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Security Council

Fifty-eighth year

Provisional

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Friday, 20 June 2003, 10.30 a.m.

New York

President:	Mr. Lavrov	(Russian Federation)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Guinea	Mr. Traoré
	Mexico	Mr. Pujalte
	Pakistan	Mr. Khalid
	Spain	Mr. Oyarzún
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Olson

Agenda

Protection of civilians in armed conflict

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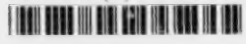

The meeting was called to order at 10.40 a.m.

Expression of farewell to Mr. Mamady Traoré, Permanent Representative of Guinea to the United Nations

The President (*spoke in Russian*): I understand that our respected colleague Ambassador Mamady Traoré, Permanent Representative of Guinea, is here with us in this Chamber for the last time before he undertakes his next important assignment.

On behalf of the members of the Security Council, I wish to pay tribute to Ambassador Traoré for his invaluable contribution to the work of the Council. His diplomatic skills, which were put to good use during his presiding over the difficult deliberations of the Council in the month of March, together with his collegial approach, have made him a highly effective representative of his country. I am certain that he will continue to use his talents in his new assignment. Ambassador Traoré will be remembered as a colleague who always strived to work in cooperation and harmony with other members of the Council.

In bidding him a fond farewell, Council members and I wish him great success and fulfilment in his future endeavours.

Mr. Traoré (Guinea) (*spoke in French*): I should like at the outset to express my profound gratitude to you, Sir, for your kind words addressed to me on behalf of my colleagues, the permanent representatives on the Security Council.

As I prepare to leave my post, I wish to say that my 10-month stay in New York as the Permanent Representative of Guinea to the United Nations, and in particular here in the Security Council, has allowed me to find new horizons that have undoubtedly deepened my knowledge of multilateralism and enriched my experience. I must acknowledge that this has been possible thanks to the inestimable cooperation and constant, invaluable support that I have enjoyed from each and every one of my colleagues, whose skills, professionalism and experience I appreciate and admire.

This is also an opportunity for me to express my sincere thanks to the members of the Secretariat team of the Council, whose friendship, accessibility and dedication to their work allowed me, during the sensitive period of the Guinean presidency of the Council in March, to fulfil my obligations. My participation in the work of the Security Council has been a wonderful school for me in which I have been able, in a relatively brief time, to gain a greater understanding of the often complex arcana involved in the maintenance of international peace and security. These unforgettable experiences will forever be etched into my memory and, quite obviously, a constant source of satisfaction and encouragement to me.

I hope that the unity of the Council, which was put to such a rude test during our presidency in March and which was strengthened by the adoption of resolutions 1472 (2003) and 1483 (2003), will be further enhanced, allowing the Council to play its role as guarantor of international security and to maintain its full credibility. That is the only way, I believe, of reviving the confidence of the international community and of silencing the questions and criticisms launched from all sides against the Security Council following the outbreak of hostilities in Iraq.

I should like to assure the Council that, upon my return to my own country, I shall spare no effort to ensure that my Government, which has never shirked its responsibilities, continues to play a growing role in the search for peaceful solutions to the various crises, the grave economic and humanitarian consequences of which have afflicted West Africa for more than a decade now.

I cannot fail to thank Secretary-General Kofi Annan or to hail his courage, perspicacity and acute sense of responsibility.

Finally, I wish to commend the Deputy Secretary-General, the Under-Secretaries-General and the members of the Office of the Secretary-General for their accessibility, dedication and complete mastery of their subjects.

As I wish all my colleagues all the best for the future, I want once again to thank them for their friendship, which I hope will be further strengthened and resist the test of time.

The President (*spoke in Russian*): I thank Ambassador Traoré for his kind words addressed to all of us and our colleagues in the Secretariat.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in Russian*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Oshima to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to recall document S/2002/1300, dated 26 November 2002, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

At this meeting, the Security Council will hear a briefing by Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. It is my understanding that today, Mr. Oshima, too, is speaking to us in this Chamber for the last time, although we may meet him in other contexts. We all know that Mr. Oshima is ending his work at the United Nations. On behalf of the members of the Council, I wish to express our deep appreciation for the efforts he has made in his important post in conditions of growing need for humanitarian assistance throughout the world and for the fact that he has demonstrated great diplomatic skills, a deep sense of humanity and patience, and the ability to meet complex challenges.

I now give the floor to Mr. Oshima.

Mr. Oshima: I thank you, Mr. President, for providing me once again with the opportunity to brief the Security Council on the protection of civilians in armed conflict. I appreciate the commitment that the Council has shown to the protection-of-civilians agenda by establishing regular dialogue on this increasingly important issue. The Secretary-General's most recent report to the Security Council (S/2002/1300), which was submitted in December 2002, was the third report on this topic and outlined the practical means by which the United Nations could promote and develop a culture of protection. This briefing is part of the semi-annual briefing process that provides the Council with updates on progress made and on changes in the protection environment.

For the moment, much of the world's attention is focused on Iraq and on the hardships faced by the Iraqi population. We must, however, remind ourselves that the plight of civilians in armed conflict remains a considerable and grave problem in many other parts of the world. Sadly, this year has witnessed some of the more horrendous acts of violence carried out against civilians. In the past year, Security Council missions to areas of conflict have proved their value by bringing international attention to bear on situations where the lives of civilians have been at the utmost risk. I hope that such missions become an established feature of the workings of the Council. I also hope that the framework provided by the protection of civilians will assist the Council in its assessments and will establish a more effective basis for protection in areas of conflict. The recent Security Council mission to Central Africa provided a considerable impetus for addressing protection issues, and I hope that the mission to West Africa will do the same.

In the case of Côte d'Ivoire, the practical results of the Council's increased engagement in the protection of civilians are enshrined in resolution 1464 (2003). That resolution explicitly mandates the forces of the Economic Community of West African States (ECOWAS) and of France in Côte d'Ivoire to ensure the protection of civilians. It recognizes the paramount importance of ensuring the protection of civilians where they are deliberately targeted by parties to the conflict who have seemingly demonstrated indifference to their own responsibilities for protection. I appreciate the fact that incorporating the protection of civilians into the role of peacekeepers is not a straightforward task. Nevertheless, we are increasingly confronted with situations where we are left with few alternatives but to explore that option; Liberia is the most recent example. I therefore hope that, through the closer collaborative relationship that is developing among the Department of Peacekeeping Operations (DPKO), the Department of Political Affairs (DPA) and the Office for the Coordination of Humanitarian Affairs (OCHA), we shall be better able to provide members with the analysis necessary to promote appropriate Council action.

In the first part of my briefing, I shall outline progress made since the last report of the Secretary-General was submitted to the Council, in December. In the second part, I should like to review a number of current country-specific situations against key themes of the aide-memoire (S/PRST/2002/6, annex). In my concluding comments, I should like to reflect briefly on some of the progress made over the past two years.

As Council members will recall, the main emphasis of the Secretary-General's 2001 report (S/2001/331) was to make the culture of protection a practical reality. As the Council itself has recognized, this is the time to move from words to action. The report outlined three key approaches. The first approach was to develop an agreed action plan that would allocate responsibility for the implementation of the recommendations contained in the first two reports of the Secretary-General on this subject. This road map tries to establish a shared commitment among Member States, the United Nations system and concerned international organizations to a timetable for action. The second element was to establish a strong programme of dissemination and advocacy with Member States and concerned parties on the relevant principles and responsibilities. The third element involved establishing a stronger common base of analysis, assessment and response within the United Nations system around the aide-memoire adopted by the Council in March 2002.

I turn first to the road map issue. The Council may recall that the last report of the Secretary-General presented an initial version of the road map that grouped actions under common themes. Since then, we have been assisted in defining the road map, making it a more practical and time-bound document through the establishment of two bodies.

First, within the Secretariat, we have established an implementation group for the protection of civilians under the auspices of the Executive Committee on Humanitarian Affairs, which I chair. In parallel to that, a Member States support group for the protection of civilians has been formed. In the past months, both groups have met a number of times and have begun to identify key areas of responsibility. They intend to complete their work towards the end of this year, and we hope to present a final version of the road map to the Security Council in December.

Secondly, the process of dissemination and advocacy among Member States and concerned parties has been undertaken through a series of regional workshops. Three workshops, covering Southern Africa, East Asia and Europe, were held over the course of last year. So far this year, two further workshops have been held — one in West Africa and the other in the Pacific region. Three more workshops are planned for the remainder of this year; they will be held in Central and Latin America, in South Asia and in the Middle East. These workshops have proved to be an extremely useful basis for identifying major regional concerns on the protection of civilians.

The workshop in West Africa was the first such workshop held in a zone of conflict. As members know, there is an urgent need for improved protection in that region. The practical recommendations, therefore, focused on new mechanisms to secure humanitarian access, to screen and separate combatants and non-combatants, to strengthen disarmament and demobilization programmes, and to control the flow of small arms. Member States in the region have shown a commitment to following those recommendations through their regional organizations, including the African Union and ECOWAS.

The Pacific Islands Forum made a similar commitment following our most recent regional meeting of Pacific island States, held in early June in Fiji. Following the workshop, the Solomon Islands — which has experienced years of civil conflict — formed its own protection-of-civilians mechanism between political and civil society leaders to address the problems. A number of the countries participating in these workshops have identified the need for training-of-trainer programmes on the protection of civilians, which could help to make the aide-memoire understood at the community level. We appreciate the support that we have received from Member States for the holding of these workshops, which we hope will continue.

Moreover, in line with the need to keep the protection agenda current, OCHA has organized a series of round tables since 2001. In May of this year, OCHA convened the most recent discussion, which explored ways to apply protection principles to the impact of terrorism and counter-terrorism on civilian populations in armed conflict, an issue that had been raised in the Council in December. The discussion by representatives of Member States, of United Nations agencies, of the International Committee of the Red

Cross (ICRC) and of select non-governmental organizations reflected the complexity of this issue. While no general agreement was reached on how to move the process forward, there was consensus on the need for counter-terrorism policies and measures to be undertaken in accordance with recognized principles of international humanitarian and human rights law. We shall continue to pursue this issue in the coming months, and we are grateful to the Governments of Norway and Switzerland for their support.

Lastly, building upon the existing international legal framework, the aide-memoire has proved to be an important tool in establishing a stronger common base of analysis and assessment on key protection-of-civilians requirements and responses within the United Nations system as a whole. Also, the aide-memoire has been used as a practical tool in the field to develop an active collaborative framework for protection undertaken on an inter-agency basis in countries such as Burundi and Afghanistan, and more recently in Iraq. This practical use of the aide-memoire has also contributed to increased and systematic reporting and monitoring of protection issues in conflict situations.

I would now like turn to the second part of my briefing, using the aide-memoire to highlight key patterns of protection concerns.

Restricted access, or the lack of it, remains the primary concern in most conflict areas around the world. In West Africa severe restrictions on humanitarian access are increasing the suffering of an already traumatized population. Hundreds of thousands of civilians across the region cannot be reached by humanitarian agencies. They are denied potable water, shelter, medical assistance and food, and are subject to indiscriminate attacks.

I particularly wish to draw the Council's attention to the current situation in Liberia. Despite the courageous efforts of ICRC, non-governmental organizations (NGOs) and United Nations national staff, humanitarian access to internally displaced populations remains severely limited. There are also reports of widespread abuse, which includes rape and summary executions. There are also reports of acts of reprisals against internally displaced persons by Government forces, who accuse them of collaboration with rebel groups.

As a result, the humanitarian situation is becoming literally overwhelming. In the last few days some 70,000 internally displaced persons have concentrated in Monrovia's city centre, in deplorable conditions. Increasing occurrences of diarrhoea and other major communicable diseases provide an immediate threat to the lives of thousands of people, including children. With most international humanitarian workers out of the country, the current humanitarian system can no longer adequately address the rapidly spiralling needs of the population. Immediate international intervention is required to stabilize the security situation and to allow humanitarian agencies to assist the vulnerable, and thus to prevent a further deterioration of this most desperate humanitarian situation.

Equally, the humanitarian situation in the occupied Palestinian territory has further deteriorated over the past six months, with closures and curfews continuing to impact harshly on almost the entire civilian population.

In Aceh, Indonesia, optimism about a peaceful resolution of the conflict has proven to be premature. Moreover, I was concerned by recent policies by Government authorities suggesting constraints on the delivery of international humanitarian assistance in that province. After sharing my concerns with the Indonesian authorities, I am encouraged by this week's decree by the President of Indonesia clarifying the presence and operations of humanitarian organizations. I am hopeful that, as a next step, we will be able to agree to the establishment of appropriate mechanisms and terms of engagement with humanitarian agencies in order to secure adequate humanitarian access to all vulnerable populations and to ensure the impartiality and independence of humanitarian assistance.

Consider the widespread use of rape and other atrocities committed against women and girls as a brutally devastating weapon of war. For example, in Ituri and elsewhere in the eastern part of the Democratic Republic of the Congo, mass rapes and other severe atrocities against women and girls have been committed on a chilling scale. Women are punished as outcasts and are vulnerable to contracting HIV/AIDS. Strong cultural sensitivities make it even more difficult to address the issue in protection terms. Nevertheless, their moral repugnance demands our fullest engagement to end such acts, to support local initiatives to help victims and to bring perpetrators to justice. I need not remind the Council that such acts constitute serious violations of international

humanitarian, human rights and criminal law. I would therefore like to ask the Council to investigate this issue further.

The need to separate civilians from combatants also remains one of the key protection challenges. The presence of combatants in camps for refugees and internally displaced persons drastically increases the vulnerability of civilians. A particularly disturbing development in that context is the continuing use of refugee camps in West Africa as recruiting grounds for armed groups, and in particular for the forcible recruitment of children. Resolution 1479 (2003), which explicitly mandates the United Nations military liaison group attached to the Office of the Special Representative of the Secretary-General to monitor the security of Liberian refugees in Côte d'Ivoire, is an important step in better addressing this issue.

As recent weeks have again shown, situations of armed conflict are invariably accompanied by a general breakdown in security and law and order. For example, it was palpable during my recent mission to Iraq that the desire for a quick restoration of security and law and order was the foremost concern of all parties, including Iraqis with whom I met. In the security vacuum that has evolved, looting and violent crimes have become persistent obstacles to the resumption of normal life, and have exacerbated the suffering of an already vulnerable population. Hospitals have gone unprotected, electrical and water sanitation plants have become open supply grounds for looters, and humanitarian assistance has been held back. In short, the breakdown in law and order has severely disrupted all sectors of public and private life. In situations of transition, therefore, it is crucial that law and order — including police, courts and prisons — be re-established quickly and as a measure of utmost priority, in order to enable civilians to regain a semblance of normalcy in their lives.

It has become almost commonplace in recent years to recall that the disarmament, demobilization, reintegration and rehabilitation (DDRR) of combatants is a complex challenge. However, I would like to reiterate that DDRR is fundamental to the protection of civilians, particularly during the transition to peace. Demobilization and reintegration cannot happen if disarmament does not take place. The disarmament of combatants — including the thousands of child soldiers in the Democratic Republic of the Congo, for example — is a key prerequisite to the protection of a civilian population tormented by years of war. I would therefore like to use this opportunity to ask the Council to give serious consideration to more proactive disarmament measures aimed at curtailing the violence against civilians in the Democratic Republic of the Congo, thereby stabilizing the peace process in that war-torn country.

Safeguarding the security of their humanitarian personnel remains a key challenge for the United Nations and its humanitarian partners. Recent months have witnessed ongoing threats and horrific attacks against humanitarian personnel in Liberia, Côte d'Ivoire, the occupied Palestinian territory, Chechnya, Afghanistan, the Democratic Republic of the Congo, Somalia and Sudan, among others. The death of six humanitarian workers in Liberia and Côte d'Ivoire at the beginning of the year, the deadly attack on an ICRC colleague in Afghanistan, the fate of some 100 humanitarian workers who remain unaccounted for in Liberia since an attack on the border town of Zwedru in March 2003, and the kidnapping of many other humanitarian colleagues mark a disturbing trend of blatant disregard for humanitarian principles and of deliberate targeting of humanitarian workers for political or tactical purposes. By further restricting humanitarian access, these acts ultimately aggravate the suffering of the civilian population.

I would therefore like to encourage the Security Council mission to West Africa to stress to the parties once again — Governments and armed opposition groups alike — the obligation to ensure the safety and security of humanitarian personnel and to ensure that those responsible for the attacks are promptly brought to justice. Specifically, I would like to ask the mission to demand, as a matter of urgency, the safe return of the missing United Nations and NGO workers in Liberia.

The important issue of protection from sexual exploitation and abuse by humanitarian workers and peacekeepers has remained a priority for the United Nations and its implementing partners. Specifically, there are three significant developments to note in that respect.

First, as has already been reported, last July the Inter-Agency Standing Committee adopted a plan of action that established six core principles representing the minimum standards of behaviour expected of all United Nations civilian staff members. A Secretary-General's bulletin that will incorporate those core

principles into the codes of conduct and staff rules and regulations of all member organizations will soon be issued. This will have the effect of applying the core principles to all United Nations civilian personnel.

Secondly, peacekeeping missions have started to incorporate these issues into their rules. Obviously, that is a very important step. In that connection, I welcome the codes of conduct regarding the prohibition of sexual abuse and/or exploitation that have been adopted by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the United Nations Mission in Sierra Leone (UNAMSIL).

Thirdly, several Member States have complemented the United Nations policy by formally adopting — or being in the process of adopting — policies requiring the incorporation of the six core principles into their funding agreements with operational partners. I commend Member States that have taken that essential action and would like to encourage others to follow their example.

Finally, allow me just a brief observation on the status of the internally displaced. While the promising peace processes in Angola and the Sudan have allowed humanitarian assistance finally to reach most internally displaced populations in those countries, generally speaking, internally displaced persons remain the group that has the least access to protection and humanitarian aid. That was again confirmed during my recent mission to Colombia last week, where I was able to witness first-hand a situation that easily ranks among the worst internally displaced persons crises in the world.

Over the past decades of conflict in Colombia — a conflict that has come to involve trafficking of illicit narcotics and terrorist-related issues — an estimated between 1 and 3 million civilians have been forced to flee their homes, as illegal armed groups are deliberately targeting civilians. While recognizing the difficult challenges faced by the Government in addressing that very complex crisis, the current anti-terrorist measures have raised certain concerns. Those operations must not result in restricting humanitarian access or call into question the civilian character of the population in targeted areas.

Before concluding, I want to take the opportunity of my last briefing to the Security Council to reflect briefly on the progress achieved over the past few years in the area of the protection of civilians and to suggest some action that is still necessary towards that end. I have been privileged to witness how much work has been done to promote the greater sensitivity and responsibility of Member States towards the pleas of civilians caught in conflict. While greater awareness is not always reflected in a greater observance of principles, it is nonetheless the key element in pushing for change.

I am therefore reassured that the framework for the protection of civilians initiated by this Council on 12 February 1999 (S/PRST/1999/6) is now well established within the United Nations system. The aide-memoire is becoming a regular point of reference for the Security Council in its considerations and has started to guide the drafting of mandates of peace operations. An even more systematic application will ensure that the culture of protection called for by the Secretary-General is reflected in all aspects of the work of the Organization relating to peace and security. Also, by bringing together the mandates and skills of departments and agencies across the United Nations system, and even beyond, the document has already contributed to a more effective and coherent humanitarian response in this area.

To remain a living document, however, the aide-memoire must continue to reflect the evolving nature and actual needs of protection. Therefore, I would like to recommend that an update of the aide-memoire be presented to the Council, along with the road map, at the next briefing on this issue in December.

Yet, much more clearly needs to be done. More support is required to facilitate the incorporation of the Guiding Principles on Internal Displacement into national legislation and to implement it. The recognized norms and principles of international law, most notably the Geneva Conventions and the 1951 Geneva Refugee Convention, need to be fully respected and implemented.

On the advocacy side, further regional workshops to disseminate analysis and awareness on the protection of civilians are needed, with an expanded focus on workshops in zones of conflict.

In concluding, I would like to remind all of us that the culture of protection urges us to put the individuals in need of protection at the centre of our efforts. It is the millions of voiceless that require our attention and commitment. It is the father who is too

powerless to protect his family from brutal attacks; the mother who has no access to medical care and is helpless to save her sick child; the young child who wakes up each morning faced with the trauma of war and violence and a life without a future; the teenage girl who has been brutally raped and may never fully recover from the injuries she has suffered.

Those are the people who are depending on us. They will judge our success — success that will be determined by the number of people we are able to protect as a result of swift and decisive action. That is the ultimate purpose of our work: the humanitarian imperative. The Council's continued commitment to that shared goal is vital.

The President (*spoke in Russian*): I thank Mr. Oshima for his comprehensive briefing. I now give the floor to the members of the Council who would like to ask questions and make comments on the briefing.

Mr. Pujalte (Mexico) (*spoke in Spanish*): Mexico wishes to thank the Russian Federation for its timely initiative of convening this public meeting on the protection of civilians in armed conflict. We also wish to express our appreciation to Mr. Oshima for the work he has accomplished in recent years in consolidating the humanitarian assistance activities for the protection of civilians in armed conflict.

The first consequence of the increase in conflicts and violence is the suffering of the civilian population. Entire populations have to leave their places of origin, fleeing the aggression to which they are subjected.

Undoubtedly, the Security Council has the responsibility of taking action to prevent aggression and violence against civilians. To achieve that objective, it is essential to adopt an integral approach, which, in our opinion, should consist of three elements. The first element is the prevention of conflict itself. The second — in agreement with Mr. Oshima — is the promotion of a culture of respect for human rights and humanitarian standards. The third, related element is the eradication of impunity.

Furthermore, when we talk about civilian victims in armed conflicts, whether refugees or internally displaced persons, in most cases we are in fact talking about women, children and the elderly. We are talking about rape, violent abuse, sexual enslavement and the forced recruitment of children.

For that reason, the Security Council must include in the peacekeeping operations it authorizes concrete measures and effective provisions to promote a gender perspective, as part of the integral approach that I have just mentioned.

The adoption of measures such as resolution 1460 (2003) on children and armed conflict is a step in the right direction. Its practical implementation in the specific case of the Democratic Republic of the Congo demonstrates the positive impact that the Security Council can have on the ground.

Because of the importance of this issue and its implications, we urge the Secretary-General to move to an earlier date the presentation of his next report on this subject, originally scheduled for June of next year, so that the Council can evaluate his proposals and promote their implementation as soon as possible. Likewise, we consider it necessary that the Security Council be informed on progress made in strengthening cooperation among the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees so that the guidelines and/or agreements reached among them can be considered by this body in the establishment or strengthening of peacekeeping operations related to different conflicts on the Council's agenda.

We note that in spite of the Council's continued appeals to the parties to armed conflicts to comply strictly with the provisions of the United Nations Charter and with the norms and principles of international law, in particular international humanitarian law, in practice these norms and principles are ignored. We wonder how this process can be reversed. In Mexico's opinion, there are several strategies we could follow.

First, at the macro level, the United Nations and States must fully publicize the obligations of parties and the rights of individuals in situations of conflict. It is not enough for States to sign and ratify treaties and conventions if the people for whom they are intended are not familiar with them. We are pleased to see the continuation of the regional workshops on fundamental concepts relating to the protection of civilians, to which Mr. Oshima referred. We reiterate our interest in

participating actively in the workshop to be organized for the Latin American and Caribbean region.

Secondly, at the field level it is essential that in any peace agreement, in any resolution coming from this body, we seek to ensure due protection for humanitarian organizations, including the International Committee of the Red Cross and other non-governmental organizations, and their unrestricted access to the zones of conflict. Likewise, we must promote full access by humanitarian personnel to vulnerable populations, separate civilians from armed elements and seek measures that restore the rule of law and promote justice and reconciliation in States affected by armed conflict.

That is why my delegation presented a draft resolution on the protection of humanitarian personnel. We would like to thank Mr. Oshima and all his staff for the information on restrictions and threats and dangers confronting humanitarian personnel and for the suggestions they provided in the preparation of this draft. The draft seeks to be an initial response by the Security Council to this problem, providing elements for an effective protection mechanism. My delegation is confident that this draft resolution can be adopted unanimously in the near future.

Once conflicts are over, a series of measures must be implemented to avoid their recurrence. My country considers it essential to promote the intensive use of confidence-building measures, including the establishment of disarmament, demobilization, rehabilitation and reintegration programmes for combatants, and measures for the consolidation of the rule of law. The successful implementation of such measures will mean not only progress in the protection of civilians, but also the establishment of a needed link for their development.

One element of cohesion which could help in the integration and reconciliation of societies that have emerged from conflict is to ensure that violations of international humanitarian law do not go unpunished. Of course, every society must evaluate the best way of achieving this objective in order not to revive conflicts that have been overcome. While the practical implementation of those measures is the direct responsibility of the actors and States on whose territories conflicts take place, there is also a need for the support and cooperation of the other members of the international community, including neighbouring States.

That is why we believe that the creation of the International Criminal Court represents an unprecedented step forward to complement the efforts of national jurisdictions to bring to justice those persons who commit crimes against humanity. We are convinced that the Court, once it has achieved universality, will be a fundamental tool in the eradication of the culture of impunity that characterized the twentieth century. We wish to recall here the old adage that no one is above the law. Mexico appeals to all States to fulfil their obligation to bring to justice those responsible for war crimes, crimes against humanity and other grave violations of international humanitarian law, in accordance with national legislation and with international law itself.

To attain that objective, it is a matter of priority to ensure the implementation of an integrated approach that includes the different stages of the problem and the elements to which we have referred. Mexico will continue to support efforts to protect civilians in armed conflicts.

Sir Jeremy Greenstock (United Kingdom): We are very grateful for this report from Mr. Oshima and the whole team in the Office for the Coordination of Humanitarian Affairs (OCHA). It is very useful to remind the Council of our commitments to protect civilians in armed conflicts and to back up the objectives of the aide-memoire (S/PRST/2002/6, annex). This means, as Mr. Oshima suggested this morning, the linking together of the various categories of risk to civilians and dealing with them comprehensively. That is why we have always placed an emphasis on mainstreaming these issues across a broader framework in order to take the commitments forward and put them into operation. This needs to take place both here at the United Nations and in the field, and within our own delegations, our own Missions, and in our capitals. Otherwise, we are not doing the groundwork that makes mainstreaming work.

In this respect, the United Kingdom is working to identify where policy links and interoffice working could be achieved to secure a closer relationship between, for instance, protection of civilians and peacekeeping policy in its operational form. We very much support both the initiative behind the aide-memoire and the substance in it. It is an effective tool

for operationalizing a protection approach, and we would like to see Member States, the Secretariat, the agencies and United Nations offices everywhere identify cross-cutting ways of working to achieve the goals in the aide-memoire and to respond to the Council's approach in mainstreaming protection. In that respect we very much support the intention to make proposals to update the aide-memoire in the next six-monthly report.

We were interested to hear about the establishment of the implementation group in the Executive Committee for Humanitarian Affairs, and we very much hope that Mr. Oshima's successor will be able to update us on the work of this group and what its discussions point to in terms of the scope, shape and resourcing of peacekeeping operations. It would perhaps be a good idea to let the Council know, before the next six-monthly report, of the agreed objectives for the Executive Committee and its implementation group and give us some ideas on how Member States can help the group to achieve them.

I have one or two questions coming out of Mr. Oshima's report to us this morning. On mainstreaming, can OCHA point to any changes or improvements in how the system is managing mainstreaming both at Headquarters and in the field? I cross-reference my question on this with resolution 1325 (2000) and our work on gender mainstreaming. It has been brought home to us in the United Kingdom delegation that, although there is of course a certain amount of rhetoric behind resolution 1325 (2000), it does lay a basis for groups in the field to operationalize the objectives and aims set out in that resolution. We would like the same to apply to the work on mainstreaming of protection and the text of and follow-up to the aide-memoire.

We were very glad to hear about the beginning of the workshops on protection of civilians. Mr. Oshima this morning referred at several points to the forthcoming West Africa mission of the Security Council. I wonder whether the outcome of the Accra workshop could be conveyed to us in writing so that we can take account of it, both as we go round on next week's mission and in writing our report, particularly in view of any lessons that the workshop produced that can be learnt from experience to date.

Finally, members are used to hearing me mention the need for the Security Council to work with other parts of the United Nations system. I wonder whether OCHA sees a role for Security Council discussion with the Economic and Social Council in the area of protection of civilians and whether there are other parts of the United Nations system which, from the overview that OCHA has of the whole humanitarian area, Mr. Oshima would like us to continue to pursue.

I should like to end by warmly thanking Mr. Oshima for his excellent work and his steady leadership during his tenure as Under-Secretary-General and Emergency Relief Coordinator. It has been a period in which humanitarian affairs have, I think, increasingly taken a higher profile in the work of the United Nations and within Council discussions. His briefings to us and his work in our areas have been clear and thought-provoking, as his report was this morning. The United Kingdom is very glad to continue to support the work of OCHA and we wish Mr. Oshima every success for the future.

Mr. Traoré (Guinea) (*spoke in French*): I wish to thank you, Sir, for having organized this meeting on a subject of extreme importance.

Allow me also to thank Mr. Kenzo Oshima for his briefing, which once again has stressed the need to protect civilians in armed conflict. At a time when he is preparing to leave his post at the head of the Office for the Coordination of Humanitarian Affairs, I should like to express to him and to all his colleagues the deepest appreciation of my delegation for their work.

In the report that he submitted to our Council at the public meeting of 10 December 2002, the Secretary-General outlined key measures to be undertaken, including ensuring access of vulnerable populations to humanitarian services, the separation of civilians from armed elements, the restoration of the rule of law and the promotion of national reconciliation. He also emphasized the dangers posed by sexual violence, the exploitation of conflicts for commercial purposes and the rise of terrorism in armed conflict.

In this regard, I am pleased to reiterate my delegation's proposal regarding the establishment of a multidisciplinary group to conduct a comprehensive study of all the recommendations and proposals so as to integrate them into a more functional and homogeneous framework. It is clear, however, that this can be accomplished only over time and in a coordinated framework.

We welcome the initiatives taken by the United Nations, together with a series of partners — particularly those involved in the humanitarian field — in order to prevent complex emergency situations whose main victims are vulnerable persons. The regional workshops organized by the Office for the Coordination of Humanitarian Affairs have contributed to a broader dissemination of such initiatives. We welcome the holding of the Accra workshop on 19, 20 and 21 May 2003. My delegation hopes that its conclusions will make it possible to strengthen provisions taken by the States of South-West Africa that are facing chronic instability.

The efforts of the United Nations have made it possible to establish a frame of reference for rules on the protection of civilians in armed conflict. My delegation wishes to express its deep concern over the many dangers, including murder, to which humanitarian workers are exposed in conflict or post-conflict situations and which jeopardize or hinder the pursuit of their activities, to the detriment of millions of human beings in urgent need of aid or assistance. My delegation condemns such acts and wants to see their perpetrators prosecuted and punished, along with egregious violators of human rights.

In conclusion, the recommendations contained in the various reports of the Secretary-General, the aide-memoire and road map are valuable reference points for the protection of civilians in armed conflict. It is simply up to us to put them to good use with resolve and in a constructive spirit.

Mr. Pleuger (Germany): I think it is most appropriate that Under-Secretary-General Oshima's last briefing to this Council should be on the issue of protection of civilians in armed conflict. No one in the United Nations system, I think, has done more to put the protection of civilians in armed conflict high on the United Nations agenda than Kenzo Oshima. This has truly become his flagship issue and we are looking forward to the finalized road map to be submitted by December, as announced by Mr. Oshima.

Despite impressive progress within the United Nations system itself, we cannot overlook the fact that we confront massive challenges on the ground. In the face of mass killings of civilians in the Democratic Republic of the Congo, to name just one of the most shocking examples of blatant disregard of international humanitarian law, there is no reason whatsoever for complacency. Without secure access to areas of crisis, there is no way of effectively delivering humanitarian assistance by the international organizations or by non-governmental organizations, which play an ever increasing role in this.

Over 90 per cent of all victims of armed conflict today are civilians and, very often, the most vulnerable members of society — children and women — are most seriously affected. Unfortunately, we see no sign of this trend abating. In asymmetric conflicts, such as in the cases of failing States or terrorism, civilians are very often the main target of attack. The Council has stated time and again that it is primarily the responsibility of the belligerents themselves to respect their obligations with regard to the protection of civilians.

In this context, it is, in our view, of utmost importance that all States sign and ratify the core humanitarian legal instruments, including the Additional Protocols to the Geneva Conventions of 1977. However, those belligerents who violate the obligations today will not even begin to heed these obligations tomorrow if the United Nations, and the Security Council in particular, do not send them a strong message that the protection of civilians is our top priority and that we will not sit idly by when the most basic rights of the most vulnerable are violated.

We must persevere both in the Council and in the wider system in our efforts to further prioritize and mainstream the protection of civilians in armed conflict. Here, we share the questions and concerns raised by Ambassador Greenstock. Only by further prioritizing and mainstreaming the protection of civilians in armed conflict will our efforts to ensure that all belligerents adhere to their international obligations bear fruit.

In conclusion, allow me to thank Mr. Oshima for everything that he has done and congratulate him on the success in his work so far. We wish him well. We would also tell him that we will continue to support the important work of the Office for the Coordination of Humanitarian Affairs.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): My delegation would like to express its deep gratitude to you, Mr. President, for convening this important meeting on the protection of civilians in armed conflict. We concur with what you said about how much we will regret the departure of Ambassador

Traoré, who has made earnest and unstinting efforts here at the Security Council and elsewhere in the maintenance of international peace and security. Our missions have enjoyed a special bond, which reflects the relations between our two fraternal countries. We wish Ambassador Traoré every success in his future endeavours.

My delegation would also like to thank Under-Secretary-General Oshima for the important comprehensive report that he has presented to us.

The importance of the issue stems from the fact that the overwhelming majority of the victims of armed conflict are civilians, millions of whom have been killed during the past decade. Armed conflicts have also displaced tens of millions of civilians, including countless women and children, who have been deprived of a dignified life that is free from fear.

It is regrettable that Africa continues to experience situations of armed conflict, which have devastating effects on innocent civilians. By way of example, we cite the recent suffering of innocent civilians in the Ituri region in the Democratic Republic of the Congo, which is still fresh on our minds. We hope, in this regard, that the United Nations Organization Mission in the Democratic Republic of the Congo and the transitional multinational force led by France will continue to prevent attacks against innocent civilians.

The United Nations has made significant progress in recent years in tackling this question. Much remains to be done, however, if we are to reach our desired goal, which will require the political determination and will of the international community and its institutions. Protection of civilians in armed conflict must be a top priority for the United Nations in the coming years if it is to adequately deal with the problem.

The Middle East region offers the clearest example of suffering of civilians in armed conflict. The most vivid example of the problem is the failure of the international community thus far to shoulder its responsibilities for the protection of the unarmed Palestinian people. The number of Palestinian victims, including women, children and the elderly, over the last two and a half years amounts to more than 2,460 martyrs and tens of thousands of wounded and disabled. This is not to speak of the practices that Mr. Oshima touched upon in his statement before the Council this morning, such as the constant closing of Palestinian towns and villages, blocking the delivery of supplies and medicines to Palestinians and preventing them from getting to hospitals and clinics. Such practices are no different from those that Israel carries out in the occupied Syrian Golan.

My delegation believes that the Fourth Geneva Convention must be strictly respected in the occupied Palestinian territories, the occupied Syrian territories and all conflict zones in the world. This requires that the international community promptly apply international instruments to provide civil and legal protection under international humanitarian law and continue to apply pressure in that regard.

My delegation affirms that reconciliation and justice must necessarily go hand in hand in order to deal with the root causes of conflict and prevent impunity. We wish to stress the need to prevent parties engaged in conflict from enjoying impunity.

The Secretary-General is to be commended for presenting several reports on the plight of the victims of armed conflict and the gross violations of human rights, so that such issues can occupy a more prominent position in the deliberations of the United Nations, including in the Security Council.

The growing cooperation among the various organs, agencies and departments of the United Nations is an important factor in strengthening the work of United Nations mechanisms to protect civilians in armed conflict. We welcome the current cooperation between the Department of Peacekeeping Operations, the Department of Political Affairs and the Office for the Coordination of Humanitarian Affairs.

Finally, my delegation would like to express to Mr. Oshima its great appreciation for all the sincere efforts that he has made in the service of the lofty aims of our international Organization and his admirable dedication in shouldering his responsibilities to make our world more capable of coping with the humanitarian questions and challenges it faces. We wish Mr. Oshima every success in his future endeavours.

Mr. Duclos (France) (*spoke in French*): I would like to thank Mr. Oshima for his very detailed and informative briefing. We share his assessment of most of the points he raised and, in particular, of the importance of the topic that he addressed this morning, the protection of civilians in armed conflict. He alluded

to some recent situations that highlight the importance of this issue. There is Iraq, of course, where there is occupation and where it is therefore essential that that the occupying powers comply with the obligations to protect civilians that are incumbent upon them.

As Mr. Oshima indicated, this relates also to the Democratic Republic of the Congo; several of us have emphasized the magnitude of the problems occurring there. Bunia provides a specific example of the role played by the protection of civilians in conflicts, since the principal objective of the multilateral mission that was established is to ensure such protection in that specific location. At the same time, the success of the mission will probably cause a flow of civilians and refugees, which in turn will increase the need for protection.

Finally, I should perhaps mention briefly the situation in Liberia, which Mr. Oshima described perfectly. I believe that it already appears to be the next crisis for which the Council will have to try to find solutions with an essential protection-of-civilians component. I also agree — as did Ambassador Greenstock — with Mr. Oshima's suggestions concerning the Security Council's forthcoming visit to West Africa.

To that overall assessment, I should like to add three observations. First, it seems to us that confusion may arise between the role of peacekeeping missions in the area of protecting civilians, on the one hand, and that of assistance operations carried out by humanitarian organizations, on the other. In both cases, we are trying to attain the same results and objectives, but, at the same time, confusion between the two types of action would put the sought-for objectives at risk. Therefore, it appears to us that we need to work within a clear framework, defining the respective responsibilities of the humanitarian and military actors involved in this type of situation.

Secondly, I should like to take this opportunity to pay particular tribute to humanitarian personnel, who, as Mr. Oshima pointed out, have recently paid a heavy price in carrying out their noble mission. To us, it is particularly shocking that people who devote themselves to looking after the most vulnerable are themselves subjected to deliberate attacks and violence. In that regard, it seems to us that a clear, firm and unambiguous reminder from the Security Council regarding the obligations of all parties to a conflict would be particularly welcome.

Thirdly, I should like to say that we approve of Mr. Oshima's suggestion concerning the usefulness of an updated aide-memoire at the end of the year. It seems to us that such an exercise would enable us, inter alia, to take into account the lessons drawn from peacekeeping missions, with particular regard to the United Nations Organization Mission in the Democratic Republic of the Congo.

Finally, I too should like to commend the work accomplished by Mr. Kenzo Oshima at the head of the Office for the Coordination of Humanitarian Affairs. We are all aware of the decisive role that he has played to ensure, in particular, that we take better into account the protection of civilian populations.

Mr. Zhang Yishan (China) (*spoke in Chinese*): As previous speakers have covered many of the points I had intended to cover, I shall refrain from repeating them and shall be brief.

At the outset, I should like to thank Mr. Oshima for his very detailed briefing. We wish to express our appreciation for what he has accomplished on behalf of the protection of civilians in armed conflicts.

The protection of civilians involves efforts on many fronts. The international community and the relevant United Nations agencies should work together in synergy, enhancing their cooperation in various fields, to help innocent civilians in armed conflicts to have access to food, drinking water, medicine and other humanitarian assistance and to help refugees and internally displaced persons to return to their homes as swiftly as possible so that they can resume their normal lives, thus minimizing the harm inflicted on them by war and violence.

We are pleased to note that the relevant recommendations contained in the Secretary-General's report (S/2002/1300) are being implemented, and we hope that the relevant United Nations agencies will finalize the road map for the protection of civilians in armed conflict and will agree on time frames for the completion of responsibilities and on the division of labour among those agencies.

Mr. Khalid (Pakistan): At the outset, let me join my colleagues in expressing our appreciation for the accomplishments of the Office for the Coordination of Humanitarian Affairs (OCHA) under Mr. Oshima's

leadership. As we bid him farewell, we wish him every success in the future.

We are also sad to see Ambassador Traoré leaving us. We recall his able handling of the Council's deliberations during the Guinean presidency in March. We greatly value his friendship. As Ambassador Akram is not with us today, I should like, on his behalf and on behalf of the delegation of Pakistan, to express to Mr. Traoré our best wishes for every success in his future endeavours.

In view of the proliferation of armed conflicts around the world, and in the light of the Security Council's resolutions based on the reports of the Secretary-General relating to the protection of civilians in armed conflict, one can hardly overemphasize the importance of the activities undertaken by OCHA. Since more than 75 per cent of the casualties that occur in such conflicts happen to be those of civilians, it is essential that concrete measures be taken to reduce to a minimum the threat to the lives and property of civilians, particularly of the most vulnerable groups: children, women and the elderly.

In that context, the training and awareness activities undertaken by OCHA are commendable. We feel that, in order to further strengthen those activities, more tenacious efforts are needed, particularly to implement the recommendations made by the Secretary-General. For action in the near future, the Council could consider a few suggestions.

First, it would be worthwhile to conduct an analytical study of the recommendations of the Secretary-General in order to identify reasons for the delay in their implementation and measures that need to be taken for their speedy and effective implementation.

Secondly, the workshops organized by OCHA in various parts of the world should be transformed from individual, ad hoc projects into a well-defined global programme of action in terms of capacity-building and awareness-raising.

Thirdly, the coverage of such a programme should be global, with a special emphasis on coverage of countries that have suffered from armed conflicts and of regions that remain crisis-prone. Once those countries and regions have been covered, the programme could continue elsewhere, according to the wishes of the interested countries.

Fourthly, the training and awareness workshops should have concrete follow-up, and measures should be taken to enable countries to have their own national programmes for continuation of the process of capacity-building so that the number of civilian casualties can be reduced. In fact, we should recognize that, just as we help build the capacity of countries to face the challenge of natural disasters, so should we also face the challenge posed by man-made disasters.

Most important, there is a need for strict application of, and adherence to, international humanitarian law in armed conflicts. That has been pointed out by other speakers too. In that context, I would like to draw the Council's attention to our part of the world. In Jammu and Kashmir, documented blatant disregard for international humanitarian law and massive violations of human rights by the occupying Power have greatly exacerbated the suffering of the Kashmiri people and have rendered the need for an urgent solution imperative. Addressing concerns related to international humanitarian law in armed conflicts can be a positive first step towards the peaceful solution of such conflicts and disputes.

Finally, it goes without saying that OCHA needs to be provided the financial and human resources necessary to carry out the functions that are clearly part of its mandate, which has been decided by the Secretary-General and recognized by the Security Council.

Mr. Muñoz (Chile) (*spoke in Spanish*): First of all, I wish to convey my best wishes to Ambassador Traoré of Guinea as he leaves the Security Council. I also wish to express my gratitude to Mr. Oshima for the vital work he has done in the humanitarian field, and in particular in the area of the protection of civilians in armed conflict.

I would like to digress from the excellent notes that have been prepared by members of my delegation, to tell Mr. Oshima and the Council that the subject of the protection of civilians in armed conflict is probably at the very heart of the credibility of the United Nations, given that the Organization is expected to protect people in real-life crises. In that regard, we note that women, children and older persons are increasingly the main victims of armed conflict. That means that the task of protecting civilians is absolutely essential; otherwise people will have the impression that the Organization is unable to be effective or

operational in addressing such a basic priority as protecting innocent human beings in armed conflict.

Therefore, my country, along with a number of other States Members of the Organization, has for some time been very interested in taking part in a human security network aimed at changing the focus of security, which has traditionally been State-centred. There is certainly a State dimension to security; but there is also a human dimension. Ultimately, our concern is the real impact of conflict on real flesh-and-blood human beings. In that context, it seems to us that the concept of human security that has been developed is directly related to the humanitarian efforts outlined to us by Mr. Oshima.

In reality, the availability of weapons during and after an armed conflict means that the main victims are innocent people, especially children. We have seen that in Central America, where there have been many deaths after the end of civil wars due to anti-personnel mines and the availability of weapons that end up in the hands of criminal groups. The result is the death of many thousands of civilians. There is also the issue of the availability of small arms and light weapons, about which the Organization has expressed its concern. It therefore seems to us that this is truly a fundamental concern.

The danger lies in the fact that the vulnerable are sometimes not merely victims of armed conflict; as Mr. Oshima has said, they are often the explicit targets of armed groups. He mentioned the case of Colombia, a neighbouring Latin American country where the killing and kidnapping of civilians clearly indicate that civilians are no longer chance victims but, rather, the main targets of terrorist acts.

With regard to how to respond to this, I would like to commend the work described to us by Mr. Oshima to raise awareness of this issue — for example, the holding of regional workshops. We are of course prepared to participate actively in the regional workshop in Latin America and the Caribbean.

Apart from the great importance of that work, however, we believe that, in the end, it is vital that violations of humanitarian norms result in concrete punishment in the competent courts. In other words, humanitarian crimes must not go unpunished. The sole lesson should be that those who perpetrate these crimes will be punished and put in jail. Years may sometimes pass, but sooner or later those who commit these crimes must be brought before a court. We believe that is the best lesson that can be taught in order to prevent violations of humanitarian law in armed conflict and to avoid having civilians suffer the worst consequences of these conflicts. Emphasis must therefore be placed on punishment and on ending impunity. We consider that to be fundamental, without prejudice to the other initiatives described to us by Mr. Oshima, which we support most enthusiastically.

Finally, in addition to expressing our support to Mr. Oshima, we would also like to state our backing for the idea put forward by Norway and the Office for the Coordination of Humanitarian Affairs to establish a support group in the area of the protection of civilians in armed conflict. We wish Mr. Oshima the best of luck, and we emphasize that what he has referred to in his semi-annual report is of the utmost importance to the Organization and the Council.

Mr. Tidjani (Cameroon) (*spoke in French*): At the outset, my delegation would like to associate itself with the comments made by the President in conveying best wishes to Ambassador Mamady Traoré. We also wish to say how pleasant it has been to work with Ambassador Traoré. We have been enlightened by his thoughts, both professionally and on a more personal level, and we hope to be able to continue to benefit from them. I hope that in his future endeavours he will have experiences as edifying as those he experienced in the Security Council.

I would also like to thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Kenzo Oshima, for his excellent presentation concerning the progress that has been made and the challenges that remain six months after the holding of a debate in the Council on this matter in December 2002.

My delegation expresses its great appreciation for the Organization's tireless efforts to encourage the parties to armed conflicts to respect their obligations and responsibilities with regard to protecting civilians. .During the Council's last meeting on this issue, on 10 December 2002, Secretary-General Kofi Annan very pertinently pointed out that civilians make up the majority of casualties in armed conflicts. They are subjected to horrifying violence and violations of human rights, and they are refused the assistance that must be extended in times of war. Strengthening the protection of civilians is essential for peace and

security throughout the world. During that meeting, we proposed taking concrete measures and adopting a more systematic approach with respect to this problem.

Yesterday's challenges continue to be today's challenges: all kinds of violence against women and children, who are usually the first victims, humanitarian crises, the exploitation of conflicts for terrorist and commercial purposes — I do not want to go through the full extent of the tragedy that civilians experience. Mr. Kenzo Oshima gave us a very expressive picture of all this, particularly in Central and West Africa.

The international community has not failed to react — far from it. The road map for the protection of civilians supported by Council resolutions 1265 (1999) and 1296 (2000) has now given States a framework of concrete measures to be implemented for the protection of civilians in times of conflict. We should also welcome the Council's adoption on 31 October 2000 of resolution 1325 (2000) on women and peace and security, which constitutes an integral part of the relevant provisions.

The delegation of Cameroon therefore expresses its genuine satisfaction with Mr. Oshima's excellent briefing. It has the merit of placing the Council's current debate in its real context. He has described the efforts of the Office for the Coordination of Humanitarian Affairs (OCHA) to implement the aide-memoire adopted by the Council on 15 March 2002 (S/PRST/2002/6, annex), which is without doubt one of the major instruments for understanding issues related to protecting civilians in armed conflict, since it provides a broad framework for understanding and analysing such issues. His efforts have been notable in the holding of regional workshops open to civil society, non-governmental organizations and State entities to raise awareness of the complexity and interdependence of the problems created by the vulnerability of civilians in armed conflicts and to create a real political will. We believe that those regional workshops are an effective means for identifying the specific difficulties encountered on the ground in protecting civilians and for seeing how we can establish links and coordinate the actions of the various organs working on the ground for the protection of civilians. In that context, I share the observations of Ambassador Duclos on the need for a more rational approach by each actor with respect to the protection of civilians and the maintenance of peace.

Those regional workshops must encourage the various parties to a conflict to face up to their responsibilities. They must also make clear to them the consequences of acts they commit in violation of human rights and of other norms of humanitarian law. Impunity can in no way be permitted.

The progress made also extends to the appropriate measures taken, for example, to separate armed elements from civilians in refugee camps, to facilitate humanitarian personnel's access in safe conditions to populations in distress, to assist in the restoration of the rule of law, and to set up a comprehensive programme of disarmament, demobilization and reintegration. Enormous progress has been made, but much remains to be done. The Council's efforts must therefore be supported by the genuine collective will of the international community and increased cooperation among all actors.

The Secretary-General announced in his third report (S/2002/1300) that OCHA will devote itself, with other agencies of the United Nations system, to exploring further the ideas underlying the road map for the protection of civilians. My delegation wishes to know what stage that project is at. What major characteristics have been identified? How can it assist States in their actions to help civilian populations?

I cannot fail to conclude without paying tribute to Mr. Oshima for all his work at the head of OCHA. I am convinced that this reflection on the progress made, to which he decisively contributed, and the suggestions he made at the end of this mandate will be made use of in a positive manner by the Security Council.

Mr. Oyarzún (Spain) (*spoke in Spanish*): First, I wish to thank the Under-Secretary-General, Mr. Oshima, for his briefing on the protection of civilians in armed conflict. My delegation is very pleased that the Council is dealing on a regular basis with this issue, which is of such vital importance to people's lives. We are also very satisfied by the excellent work done by Mr. Oshima.

I would like to focus on those elements of Mr. Oshima's briefing that I consider to be most relevant. First, with respect to the culture of protection, thanks to the reports of the Secretary-General and the workshops held in recent months, we have managed to make the culture of the protection of civilians steadily take root in our societies. However, that progress is not enough. There are still those many cases of brutal

violations to which Mr. Oshima has referred. We must therefore redouble our efforts in order to achieve patterns of protection of civilians in armed conflict. In that context, the road map and the group for the protection of civilians, presided over by Mr. Oshima, are very valuable tools that Spain supports.

Limited access — or measures to restrict access — in areas of conflict is perhaps one of the most crucial issues that we will deal with in today's open meeting. Lack of access means that vulnerable groups are left at the mercy of the abuses that, unfortunately, occur in conflicts. Lack of access results in thousands of persons being deprived of the international community's assistance, and in those people having to experience the worst horrors of war without anyone being able to witness their suffering.

My third comment deals with the cases of rape and atrocities against women and children. My delegation has listened with particular interest and concern to Mr. Oshima's statements on the tragic abuses committed against women and on the sexual exploitation and abuses with respect to humanitarian personnel. It is our responsibility to create the necessary mechanism so that those most brutal crimes in no way go unpunished.

The issues of disarmament and the separation of civilians and combatants are amply dealt with in the reports of the Secretary-General. In this regard, I should like to make two additional comments. First, disarmament is absolutely vital to preventing fresh outbreaks of violence. It must be appropriately monitored to ensure that reintegration can take place. Secondly, the separation of civilians and combatants is in all probability among the most important challenges we face, because when it fails to occur we see the most numerous cases of child abuse and recruitment in armed conflict.

In conclusion, I wish to express my delegation's concern about the tragedy of displaced persons who are obliged to abandon their homes. To date, despite unflagging efforts, the international community has been able to do little to prevent this. Given the specific circumstances of such cases, this group is among the most vulnerable and hardest to provide with humanitarian assistance. I believe that we are working in the right direction, but we cannot fail to do our utmost urgently to attenuate the suffering that, regrettably, afflicts many people. As the Ambassador of Chile quite rightly noted, the very credibility of this Organization will be gauged by our success in protecting the innocent.

Mr. Olson (United States of America): I will be brief, because most of our remarks have been covered by other members.

I would like to join other members in thanking Under-Secretary-General Oshima for his detailed and very sobering report, as well as for the hard work he has done in the area of protecting civilians in armed conflict throughout his tenure.

The United States has long believed that safeguarding civilians from the devastating effects of armed conflict is at the very heart of the United Nations Charter. Indeed, the work presented here today exemplifies the spirit of the Charter and the aspirations of this Organization's founders to protect the innocent and most vulnerable from violence of any kind, whether at the hands of soldiers or terrorists. We are confident that the information provided to us today will prove useful to the Council in its future deliberations when considering the protection of civilians in armed conflict.

The general principles of providing humanitarian access to vulnerable populations, the separation of civilians and armed elements, the restoration of the rule of law, justice and reconciliation are all fundamental to the protection of civilians and fully supported by my delegation and the others around this table. They are important issues which we hope to continue to discuss in the future.

My delegation fully supports the idea of further developing the road map for the protection of civilians and the implementation of many of the objectives it calls for. We will work with other members in that process to fully develop the road map. We reiterate our support for the Secretary-General's efforts to protect civilians in armed conflict and look forward to the next briefing in six months, as well as to the completion of the road map at that time.

The President (*spoke in Russian*): I shall now make a statement in my capacity as representative of the Russian Federation.

I should briefly like to offer my support for the assessments made by Mr. Oshima. I shall not repeat what he and my colleagues have said. We reiterate our support for the work of Mr. Oshima and his colleagues

in developing concrete steps and instruments and in implementing existing decisions on the protection of civilians in armed conflict. We are prepared to consider the ideas we have heard today.

At the same time, I would emphasize that, regardless of any new instrument we may develop and or of how we may stress the need for compliance with international humanitarian law, none of this makes any sense unless we pay specific attention to each particular conflict. We must not merely pay lip service, but give specific consideration to specific circumstances.

We have heard today about situations in which the civilian population needs specific protection and attention. We believe that the United Nations has gained useful experience in this area, including in Angola, Afghanistan, Indonesia and the Balkans. The need fully to respect international humanitarian law in Iraq was also alluded to today. We trust that the appointment of a special representative of the Secretary-General in Iraq will promote such respect.

Of course, I would concur with those who have noted the tragic situation of the civilian population in the Palestinian territories and the need to offer them protection. We know that a number of ideas have already been proposed in this regard, including by the Secretary-General.

The final point I would make is that civilians particularly suffer not only in armed conflict, but also from terrorism. This issue is within the purview of the Security Council. Terrorism represents an assault specifically against civilians. Although we all agree that, in armed conflict, the belligerents themselves are primarily responsible for taking measures to avoid harming the civilian population, terrorists, of course, cannot be appealed to in this respect because they view civilians as their main targets. Therefore, we can be nothing but merciless in the fight against terrorism. There is no other way. Of course, we must do our utmost to protect innocent civilians in that fight.

We note that this issue is under consideration by the United Nations. We would point to the resolution adopted by the General Assembly last year, at the initiative of Mexico, on protecting human rights and fundamental freedoms while countering terrorism. Russia, for its part, has proposed the development of a code for human rights protection that was discussed at the most recent session of the Commission on Human Rights at the initiative of our Minister for Foreign Affairs. The basic thrust of this initiative was reflected in decisions adopted at the session.

In conclusion, I reiterate our willingness to work with our colleagues in the Secretariat to work to improve existing instruments for the protection of civilian populations.

I now resume my functions as President of the Council.

I call on Mr. Oshima for some final comments.

Mr. Oshima: I would like first of all to thank the members of the Council for their very warm words to me and to the Office for the Coordination of Humanitarian Affairs (OCHA). I also thank the members of the Council for their continued commitment to the agenda for the protection of civilians, which has again been very clearly stated today. I trust that the members of the Council will extend the same support and cooperation to my successor, Jan Egeland of Norway.

If you would allow me, Sir, I would like to join members of the Council in expressing appreciation to Ambassador Traoré, because I, too, have had the pleasure and great honour of working with him — particularly during Guinea's presidency of the Security Council, but at other times as well — and especially on problems relating to West Africa. I thank him very much for his support and cooperation.

May I also say a few words in response to some of the questions posed and suggestions made today concerning the implementation of the aide-memoire and some aspects of the work done in promoting the agenda of protection of civilians.

First, the Ambassador of Mexico proposed that the next report of the Secretary-General on the protection of civilians in armed conflict be moved forward from next June. This suggestion is welcome, and we would like to look into the possibility and explore the opportune timing with the Council President. As indicated earlier, my Office is ready anytime to provide country-specific briefings on the situation of civilians to the Council, as well as bilateral briefings to delegations.

The delegation of Pakistan mentioned the possibility of a global workshop programme. We welcome this suggestion to move from individual,

occasional workshops to a more systematic and multiple-year programme. We will evaluate this proposal and the financial and personnel resources it requires once we have completed the current round of workshops.

Ambassador Greenstock, leader of the Security Council mission to West Africa, asked us to share the report of the recent workshop in Accra. We are of course happy to share with all members of the Council the report of the West Africa workshop, as well as the report of another that was recently held in Fiji. We will soon finish the reports of these workshops and will be happy to share them with all the members, as well as with the leader of the West African mission, Ambassador Greenstock.

In addition, we heard important suggestions concerning the work done by OCHA in close cooperation with other humanitarian agencies, as well as with political and peacekeeping departments within the Secretariat, on the protection of civilians. Specific questions were raised by Ambassador Greenstock and other members.

On mainstreaming, I acknowledge the importance of this issue and would like to highlight the fact that we are addressing it by establishing shared training on the protection of civilians jointly with, and involving staff from, DPA, DPKO and OCHA. We would welcome the participation of members of the Council's missions in this event. Clearly, the most important mainstreaming issue for the protection of civilians is demonstrated by the establishment of collaborative inter-agency protection frameworks in the field. I mentioned that through those protection frameworks — including the establishment of working groups on protection in such countries as Burundi, Afghanistan and, more recently, in Iraq — the aide-memoire is being applied in a practical way to report and address protection issues in those countries.

Finally, there were proposals to better implement the recommendations put forward by the Secretary-General in his first two reports. The Ambassador of Guinea suggested some sort of interdisciplinary group to review the state of implementation, and this is very welcome. It is precisely the thinking behind the establishment of the Member States support groups on the protection of civilians, as well as the implementation group within the Executive Committee on Humanitarian Affairs, to promote those objectives. Those mechanisms are being set up, and we wish to ensure that they produce specific, concrete results. That is our intent as we plan to report to the Council a revised, refined road map and the updated aide-memoire in the next briefing to the Council, in December.

In conclusion, I wish to thank the Council for the support you have shown and the commitment that has been expressed very positively around the table on this very important issue.

The President (*spoke in Russian*): I thank Kenzo Oshima for his clarifications and for answering questions, and for his kind words regarding the Security Council. Once again, we wish him success.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.40 p.m.

United Nations S/PV.4778

Security Council

Distr.: General
23 June 2003

Original: English

Official communiqué of the 4778th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Monday, 23 June 2003, at 3 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 23 June 2003, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 4778th meeting in private with the troop-contributing countries to the United Nations Disengagement Observer Force (UNDOF).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Major-General Martin L. Agwai, Deputy Military Adviser in the Department of Peacekeeping Operations.

"The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries."

03-40456 (E) 230603

United Nations S/PV.4779

Security Council

Fifty-eighth year

Provisional

4779th meeting

Thursday, 26 June 2003, 10 a.m.

New York

President:	Mr. Lavrov	(Russian Federation)
Members:	Angola	Mr. Lucas
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Mana
	Chile	Mr. Andereya
	China	Mr. Zhang Yishan
	France	Ms. D'Achon
	Germany	Mr. Pleuger
	Guinea	Mr. Mohamed Cherif Diallo
	Mexico	Mr. Pujalte
	Pakistan	Mr. Khalid
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Cunningham

Agenda

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2003/655)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-40782 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2003/655)

The President (*spoke in Russian*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/655, containing the report of the Secretary-General on the United Nations Disengagement Observer Force. Members of the Council also have before them document S/2003/668, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Russian*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1488 (2003).

In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council.

"As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/2003/655) states in paragraph 12:

'... the situation in the Middle East is very tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached'.

"That statement of the Secretary-General reflects the view of the Security Council."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2003/9.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.15 a.m.

United Nations S/PV.4780

Security Council

Fifty-eighth year

Provisional

4780th meeting

Thursday, 26 June 2003, 10.15 a.m.

New York

President:	Mr. Lavrov	(Russian Federation)
Members:	Angola	Mr. Lucas
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Mana
	Chile	Mr. Andereya
	China	Mr. Zhang Yishan
	France	Ms. D'Achon
	Germany	Mr. Pleuger
	Guinea	Mr. Mohamed Cherif Diallo
	Mexico	Mr. Pujalte
	Pakistan	Mr. Khalid
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Cunningham

Agenda

The situation concerning the Democratic Republic of the Congo

Second special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/566 and Corr.1)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-40794 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Second special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/566 and Corr.1)

The President *(spoke in Russian)*: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/566 and Corr.1, containing the second special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo. Members of the Council also have before them document S/2003/667, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President *(spoke in Russian)*: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1489 (2003).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.20 a.m.

United Nations S/PV.4781

Security Council

Distr.: General
1 July 2003

Original: English

Official communiqué of the 4781st (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Tuesday, 1 July 2003, at 3 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 1 July 2003, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 4781st meeting in private with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission (UNIKOM).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Julian Harston, Acting Director of the Asia and Middle East Division of the Department of Peacekeeping Operations.

"The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries."

03-41461 (E) 010703

United Nations S/PV.4782

Security Council

Fifty-eighth year

Provisional

4782nd meeting

Thursday, 3 July 2003, 10 a.m.

New York

President:	Mr. Arias	(Spain)
Members:	Angola	Mr. Lucas
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mrs. D'Achon
	Germany	Mr. Pleuger
	Guinea	Mr. Boubacar Diallo
	Mexico	Mr. Pujalte
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Gatilov
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Cunningham

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2003/675)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-41596 (E)

The meeting was called to order at 10.10 a.m.

Expression of thanks to the retiring President

The President (*spoke in Spanish*): I should like to start by thanking Ambassador Sergey Lavrov for his service as President of the Security Council for the month of June 2003. I am sure I speak for all members of the Council in expressing my deep appreciation to Ambassador Lavrov for the great diplomatic skill with which he conducted the Council's business last month. I also express my thanks to his team.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2003/675)

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Albania, Italy, Japan and Serbia and Montenegro, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Šahović (Serbia and Montenegro) took a seat at the Council table; Mr. Nesho (Albania), Mr. Spatafora (Italy) and Mr. Haraguchi (Japan) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Michael Steiner, Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo.

There being no objection, it is so decided.

I invite Mr. Steiner to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them document S/2003/675, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

At this meeting, the Security Council will hear a briefing by Mr. Michael Steiner, Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration in Kosovo.

As this is the last briefing of Mr. Steiner in his capacity as Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration in Kosovo, I wish to take this opportunity to convey to him, on behalf of the Council, a few words of tribute and farewell. In particular, I wish to convey the deep gratitude of the entire Security Council — and mine in particular — for the continuous and tireless efforts that he has made over the last year at the head of one of the most ambitious and complex missions deployed by the United Nations. Everyone here knows that his work has not at all been easy. However, he has accomplished substantial progress, which we appreciate. Four years ago, few would have imagined that he would accomplish such significant results. Nonetheless, much remains to be done in this enormous task, which must culminate in the full integration of the entire region into Europe.

Without doubt, we will miss Mr. Steiner's presence among us, with his dedication, his unflagging interest and his hard work in implementing resolution 1244 (1999). I understand that Mr. Steiner will take up the post of Permanent Representative of Germany to the United Nations Office in Geneva, an assignment that will allow him to remain a part of the United Nations family. I therefore wish him great success in his new endeavours, and I reiterate the profound appreciation and thanks of the Security Council for his service.

I now give the floor to Mr. Steiner, Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration in Kosovo.

Mr. Steiner: I thank you, Mr. President, specifically for your warm words. Next week I will leave Kosovo. When I arrived a year and a half ago, there was no Government, despite successful general elections. There were 153 prisoners from the war still being held in Serbia. In the northern part of Mitrovica, there was a legal vacuum and turbulence. More members of minority communities were leaving Kosovo than were returning. Pristina and Belgrade did not talk.

Since then, we have put together a multi-ethnic Government. We brought back the prisoners. Mitrovica is still not a normal European town, but we installed the United Nations Interim Administration Mission in Kosovo (UNMIK) administration in the northern part, where there are now regular police patrols. We reversed the negative trend in returns. And both parties have said that they are now ready for direct dialogue.

We have moved forward to establish the framework for future progress. That framework is embodied in the eight benchmark standards covering the cornerstones of any functional democratic society. Council members have seen the Secretary-General's latest report (S/2003/675), which details Kosovo's performance against each of the standards.

We have explained and fostered public support for the standards through television, radio and roundtable discussions throughout Kosovo. UNMIK's new Strategy Coordinator will present my successor with a plan to further operationalize those eight standards. The European Commission's Tracking Mechanism affirms that the standards also pave the road to Europe.

Huge challenges remain. But, with a number of new developments that I will describe, the groundwork for Kosovo's future progress has now been laid.

Let us review Kosovo's progress towards the standards.

First, with regard to functioning democratic institutions, the Provisional Government and Kosovo's other Institutions are not perfect, but they are functioning and they are learning. The Kosovo Serb members participate in the work of the Assembly. Eighteen laws of the Assembly have now been put into force, and we have an orderly process for completing the transfer of non-reserved responsibilities to the Government by the end of the year.

At the same time, the Provisional Institutions continue to push the limits of their competencies. The Assembly does not always respect the rights of minorities. We must, of course, ensure compliance with resolution 1244 (1999) and the Constitutional Framework.

Regarding the rule of law, we have built a multi-ethnic judiciary and a police force of 5,407 officers from scratch. The UNMIK Police cooperate with their counterparts in Belgrade, Skopje and Tirana. Our record on crime is already better than many believe. There were about 500 murders between June and December of 1999. About 150 victims were Serb. In 2002, the number fell to 68, six of them Serbs. It was UNMIK that supplied the evidence and witnesses that convicted the German former head of Kosovo's electricity company on corruption charges. That demonstrated to people in Kosovo that when we say "zero tolerance for corruption", we mean everyone.

Equipped with new technical and legal instruments to use covert measures, the Kosovo Organized Crime Bureau has mapped out the structures of Kosovo's underworld. The judiciary, too, has been active against organized crime. Notorious criminals have been convicted and major trials are ongoing. When a high-profile Kosovo Albanian was indicted by the International Tribunal for the Former Yugoslavia, he publicly declared his readiness to go to The Hague voluntarily.

Without prejudging the outcome, the police are doing all they can to catch those who perpetrated the heinous triple murder of a Serb family in Obilic. All key leaders of Kosovo condemned that crime.

I turn to the economy. Most Kosovans rank that as their number one concern, and they are right to do so. Unemployment is running at 57 per cent. But we have laid the groundwork for a sustainable economy in the future. The euro provides monetary stability. That has been a huge success which has allowed us to create an effective banking system. A billion marks previously saved under mattresses are now saved as 500 million euro in banks, where they are available for making loans.

Kosovo has a balanced budget that relies on a functioning revenue collection service. We have a modern legal framework in place to protect investment and foster a market economy with laws on everything from contracts to bankruptcy. Crucially, we have launched the privatization process with the tendering of the first socially owned enterprises.

But what we need now is investor confidence. That will come only with a functioning society based on the rule of law. That is what the standards are about.

Regarding multi-ethnicity and returns, to date we have had over 7,000 returns of displaced persons. There have been about 1,100 since March of this year. Yes, that number is still far too small. But the Framework for Returns, based on a bottom-up approach, is now in place.

Multi-ethnicity has been gradually improving. Members of the minority communities represent 15 per cent of the Kosovo Police Service, which constitutes positive discrimination. Half of the new officers of the Police school's most recent graduating class are Kosovo Serbs. Serbian can be heard in the streets of Pristina and Prizren. On the night of the Summer Solstice, hundreds of young people from both sides of the river in Mitrovica participated in a techno party on the town's famous bridge.

Yet, a lot more work is required for Kosovo to become a truly multi-ethnic society. The slowness of returns and integration remain our most serious shortcomings. I am therefore delighted to inform the Council about an open appeal published in Pristina yesterday in the Albanian, Serbian and English languages and signed by all non-Serb leaders of Kosovo. The appeal urges the refugees and displaced persons in Serbia, Montenegro and the former Yugoslav Republic of Macedonia to return to Kosovo now. It states:

> "It is time for you to come home ... We do not 'invite' you to come back to your home, because Kosovo is your home, and you have the right to live here in peace. Kosovo is your home, just as it is our home; we want, and work for, you to come back to live in peace with us as neighbors, in a spirit of mutual respect. It is truly time to put the past behind us and to move on.
>
> "We are ready and willing to provide for your needs in health, public services and education, on an equal basis with all the other people of Kosovo. We cannot offer more than that, but what we are able to offer, we do with sincerity."

That is exactly the sort of concrete commitment by leaders that we have worked for to reassure displaced persons. Kosovo does not belong to Albanians or to Serbs or to any other ethnic group. Kosovo belongs to all its peoples. Internalizing that fact is key to Kosovo's future.

I will speak of centrifugal forces, for despite the progress we have made, the rhetoric has become more adversarial. Both sides are pre-positioning themselves on future status.

In Pristina, Kosovo Albanians try to infringe on reserved powers, and they continue to push for rapid independence. Belgrade continues to support parallel structures with money hidden under car seats, and it obstructs freedom of movement by refusing to recognize United Nations number plates for Kosovo. Some knowingly paint an entirely bleak picture of the realities in Kosovo, effectively discouraging returns.

Leaders on both sides need to foster confidence. If leaders are not leading their constituents forward, they are leading them backward. For our part, we must stay the course — not despite the criticism coming from both sides, but because of it.

By keeping our eyes on the road ahead, we have accomplished many things with regard to Kosovo's European future. But one standard on which progress long eluded us was direct dialogue with Belgrade on practical issues.

Thessaloniki changed that. I had three goals for the EU-Western Balkans Summit in Thessaloniki: first, a further step towards the EU; secondly, to bring a multi-ethnic delegation; and thirdly, to put direct dialogue between Pristina and Belgrade on practical issues — the seventh benchmark — on the right road. So what was achieved?

First, in the words of European Commission President Prodi, integration of the Balkans, including Kosovo, into the European Union "is now irreversible". Secondly, my delegation was multi-ethnic. Thirdly, direct dialogue on practical issues was put on track — the very dialogue requested by the Security Council mission after it visited Kosovo last December. Despite all the rhetoric, the dialogue will now come.

What UNMIK has been doing in Kosovo is something new, and we are still learning. Bosnia, Afghanistan and Iraq all demonstrate how difficult it is to win the peace, to build functioning institutions and to start up the economy. Kosovo has the added burden of its unresolved political status. This is now coming slowly to the fore. No one should be surprised by this.

What is more surprising is how far we have come, and from how far people have come to help get us to where we are. Men and women from 119 countries serve in UNMIK. KFOR, whose contribution in providing a safe and secure environment is the essential basis of all our work, itself draws forces from 37 countries. As the Russian contingent is leaving, I thank them for four years of professional service.

Kosovo is now moving towards the standards that will define its place in Europe. Who could have imagined a year and a half ago that the European Union would say that Kosovo was destined to be part of the EU? Who would have thought that the President, the Prime Minister and the Kosovo Serb Interministerial Coordinator for Returns would have been welcomed together as part of the UNMIK delegation at an EU summit?

Who would have thought that the President of the former Yugoslav Republic of Macedonia would invite President Rugova to be part of an UNMIK delegation visiting Skopje? Who would have thought that we would put Pristina on track for direct dialogue with Belgrade?

Who would have imagined, a year and a half ago, all the leaders of Kosovo's majority community formally urging all displaced persons to return to Kosovo now?

My successor inherits many challenges. He or she also inherits a team of dedicated and talented people. It has been a pleasure and a privilege to lead this team in such a unique United Nations mission, and an honour to serve the people of Kosovo. The next Special Representative of the Secretary-General and all the staff of UNMIK will need the Council's continuing support. In the meantime, I leave the mission in Charles Brayshaw's capable hands.

Much remains to be done to complete Kosovo's transformation into a society in which all its people can live in security and in dignity. But with the help of thousands of men and women from all communities in Kosovo and from most countries in the world, I leave behind a solid foundation.

From the oppression, humiliation and tragedy of 1999, Kosovo has embarked on the road towards a liberated, functioning, democratic society. Participation for all has not yet been achieved. The dream has not yet been realized, but the groundwork has been laid.

Mr. Raytchev (Bulgaria): Allow me first of all, Mr. President, to thank you for having convened this important meeting of the Council on the situation in Kosovo. I should like also to thank the Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo (UNMIK), Mr. Michael Steiner, for his comprehensive briefing and to extend our gratitude to him for the work he has done with respect to the implementation of resolution 1244 (1999).

Bulgaria, as an associated country, fully supports that statement that will be made later in the debate by the representative of Italy on behalf of the European Union (EU). I shall therefore limit myself to only a few brief comments in my national capacity.

The report of the Secretary-General of 26 June 2003 accurately reflects the results of the efforts of the international community and the constructive political factors in Kosovo aimed at bringing life in the region back to normal, four years after the adoption of resolution 1244 (1999).

Bulgaria fully supports the process of transferring responsibilities under chapter 5 of the Constitutional Framework from UNMIK to the Provisional Institutions of Self-Government, and the role of the Transfer Council. We are confident that the work of the Council will proceed in a planned manner, which will contribute to implementing the "standards before status" policy on the basis of the benchmarks.

We consider, therefore, that the development and implementation of a feasible, transparent and acceptable plan for all parties is of key importance for the success of the process.

We believe that the establishment of a functioning administration and central and local institutions in Kosovo is of key importance for the implementation of responsibilities transferred under chapter 5. Therefore, this process should be accelerated. Without an administration that is multi-ethnic in its composition and without functioning institutions, the transfer

process could be slowed down, with all ensuing consequences.

Bulgaria is concerned over the ongoing inter-ethnic violence and lack of tolerance, which impede the reconciliation process among the different ethnic communities and the return of refugees and displaced persons to their native regions.

In this context, we consider that the international community should show, in a categorical way, all local inhabitants — irrespective of their status or position in society — that such behaviour, or its instigation, is absolutely unacceptable.

We support the efforts of the international community to combat organized crime and trafficking in human beings. We welcome the readiness voiced by Belgrade and Pristina to take steps towards a meaningful, direct dialogue, with the decisive assistance of the international community. We believe that this dialogue will speed up the process of finding mutually acceptable solutions, which at the same time will have a positive impact on the whole region.

Bulgaria considers that during the forthcoming period, the efforts of the international community and of local actors in Kosovo should be focused on achieving tangible progress towards bringing life in the region back to normal, based on the "standards before status" policy and the implementation of resolution 1244 (1999).

In conclusion, I should like once again to express our deep appreciation to Michael Steiner for his contribution to United Nations endeavours in Kosovo and to the progress achieved so far. We wish him well and every success in all his future endeavours. Our appreciation goes also to all the personnel of UNMIK for their commitment and professionalism in carrying out their duties.

Mr. Diallo (Guinea) (*spoke in French*): I should like at the outset to convey to you, Sir, my delegation's congratulations on your assumption of the presidency of the Security Council and to assure you of our full support. Allow me likewise to thank your predecessor, Ambassador Lavrov, and his team for their outstanding work during the Russian presidency.

Allow me also to thank Mr. Michael Steiner for his statement and to pay him a well-deserved tribute for the results he achieved at the head of the United Nations Interim Administration Mission in Kosovo (UNMIK).

In the light of the report before us, my delegation notes with satisfaction the progress that has been achieved in the functioning of democratic institutions, particularly in the context of the transfer of responsibilities from UNMIK to the Provisional Institutions, the creation of the Transfer Council and the work done by the Assembly of Kosovo.

We welcome the cooperation among the Provisional Institutions, on the one hand, and between the Provisional Institutions and UNMIK, on the other. We urge them to contribute further to reconciliation by avoiding any action likely to deepen divisions. We encourage the Council of Europe in its development of the plan for local self-government reform and appeal to the Kosovo authorities to implement the Community Proportional Representation plan.

While taking note of the efforts under way to establish the rule of law, of which the falling crime rate is an example, we believe that the enhancement of security and justice capacities must continue. In this respect, we welcome the building of working relationships between the UNMIK Police and its Serbian counterparts pursuant to the Protocol on Police Cooperation signed on 31 May 2002. We also welcome the cooperation with the Former Yugoslav Republic of Macedonia and Albania in the fight against terrorism and extremism.

With regard to freedom of movement, my delegation appreciates the initiatives already undertaken and wishes to underscore the need to foster a psychology of mutual acceptance among the various communities. My delegation notes with satisfaction the ever-growing returns of minorities — the number of which, at this point in the year, is higher than the total registered in 2002 — and we remain convinced of the importance of expanding and coordinating this process. The appeal made yesterday by the non-Serb Kosovo leaders, as indicated earlier by Mr. Steiner, is a source of hope. To that end, the greater involvement of key leaders with a view to consolidating this trend is essential.

Moreover, we are pleased to note the adoption of encouraging economic measures, which, however, must be pursued taking into account the interests of all Kosovars and the goal of stabilizing the region.

With regard to property rights, we are of the view that vigorous action must be taken to put an end to illegal occupations.

My delegation has always urged the establishment of direct dialogue between Belgrade and Pristina and welcomes the opening of contacts at the operational level. We hope that the establishment of the United Nations Office in Belgrade will contribute to promoting that dialogue at the highest level.

With regard to the grave suspicions weighing upon certain members of the Kosovo Protection Corps said to be involved in terrorist, illegal and criminal activities, my delegation looks forward with interest to the results of the current investigations. Moreover, we support the process of integrating minorities into the Corps.

The downsizing strategy being considered by UNMIK also deserves our attention.

In conclusion, my delegation, while supporting the Secretary-General's observations, wishes to stress that the building of a better Kosovo, while relying on the support of the international community, ultimately depends on the determination and commitment of the Kosovars themselves.

Mr. Pleuger (Germany): As I did not take the floor yesterday, I would like to wish you well, Sir, in your presidency this month and also to thank Ambassador Lavrov and his whole team for the way he conducted the business of our Council last month.

I also want to associate myself with the statement that will later be made by the Italian Presidency of the European Union.

First of all, I would like to thank Michael Steiner for his last briefing on Kosovo to the Security Council in his capacity as Special Representative of the Secretary-General. His departure is, I feel, the occasion to take stock of the developments and achievements in Kosovo. Indeed, looking back over the past year and a half, we note that Kosovo has made remarkable progress, which sometimes we tend to lose sight of in dealing with day-to-day problems.

When Michael Steiner arrived in Pristina, he was confronted with a situation in which, three months after the parliamentary elections, politicians were haggling over setting up a coalition Government. Michael Steiner, with his known determination and resolve, plunged ahead, facilitated the formation of a Government, kick-started the institutions, brought back home the last political prisoners from Serbia, set up the benchmark catalogue and created the policy of "standards before status" that is still the guiding political principle for the time being.

Today, the full set of institutions required for substantial autonomy and self-government, including the justice and police systems, is in place. However, a lot of issues still evade resolution. Many of today's problems are due to a serious and worrying lack of political maturity, democratic behaviour, compromise and respect for minorities on the part of local society and political representatives. One may hold the United Nations Interim Administration Mission in Kosovo accountable for failures, but never for a lack of good faith in the course of creating a multi-ethnic and democratic Kosovo. Kosovo could be much more advanced if it were not for a political class that pursues its own interest, widely ignoring the wishes and the common interests of the ordinary people.

It is essential that the Provisional Institutions of Self-Government in Kosovo meet the benchmarks set out by the Special Representative and that they advance legislation and develop policies for all Kosovars in order to promote the economy and the development of social policies, with particular focus on the situation of Kosovo's minorities.

This week, as mentioned by Michael Steiner, has seen a hopeful political sign — the unprecedented appeal by Kosovo's non-Serb leaders to the internally displaced persons in an open letter to the displaced residents of Kosovo in Serbia, Montenegro and Macedonia. We consider this appeal to be an expression of political responsibility and maturity. We consider the confirmation of Kosovo as a rightful home for the displaced to be a binding commitment and we hope that this appeal will become a milestone in the matter of returns and integration.

What are the immediate next steps? We call on Belgrade and Pristina to start a direct dialogue on practical issues, possibly before the summer break. The beginning of dialogue should lead to a process of various parallel discussions at the expert level, and this dialogue should not be delayed.

There is no easy and effortless way to achieve the benchmarks of a modern society for European integration. Kosovo will face a difficult process of

further reforms and transformation. Michael Steiner dodged no efforts to bring the process forward; neither will his successor, whom we hope will be appointed soon.

In conclusion, I would like to thank Mr. Steiner again for his tenure and for the outstanding service he has done.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): Allow me at the outset to thank you, Sir, and the other delegations for the warm words addressed to Ambassador Lavrov in connection with the Russian presidency of the Security Council last month and to wish you, Sir, and the entire Spanish delegation success in guiding the Council's work in July.

We thank the Secretary-General for his report on the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the head of the Mission, Mr. Steiner, for his substantive briefing on the situation in the region. Its assessments largely correspond to our view of the processes under way in the region, which we stated in considerable detail during the comprehensive consideration of the situation in Kosovo at the Security Council meeting on 10 June.

We noted at that time, and are ready to reaffirm today, that, in the four years since the adoption of resolution 1244 (1999), enormous efforts and considerable progress have been made towards a settlement. We note the significant contribution to this process of the Special Representative of the Secretary-General, Mr. Steiner.

At the same time, we fully share the concern — expressed in the report of the Secretary-General (S/2003/675) and in Mr. Steiner's briefing — that, despite the progress made in ensuring substantive autonomy and self-government for Kosovo, as provided for by Security Council resolution 1244 (1999), many important issues remain unresolved. Those include serious problems related to ensuring adequate representation for minorities — first and foremost the Serb minority — in the structures of the region's Provisional Institutions of Self-Government.

Despite a general decline in the crime rate, serious incidents continue to take place that involve the use of violence, including ethnically motivated incidents. There has still been a failure to identify, and hence bring to justice, the individuals responsible for the brutal 4 June murder of a Serb family in Obilic. It should be noted that even the limited progress achieved with regard to the situation of minorities and to support for the process of returning non-Albanian refugees to the region — which was noted in the report and in Mr. Steiner's briefing — was achieved largely as a result of the international community's unceasing pressure on the regional Institutions of Self-Government.

The Albanian political leaders have yet to demonstrate the initiative that all of us have every right to expect from them. Indeed, we continue to see that, despite a declared commitment to multi-ethnicity, the regional Institutions of Self-Government in fact very often ignore the interests of minorities. Like other Security Council members, we are convinced that, without a radical improvement in the situation involving these issues, the dream of building a multi-ethnic society in Kosovo will continue to be deferred, giving rise to unfounded aspirations on the part of the extremist forces remaining in the region and creating fertile ground for continued violence.

We are grateful to Mr. Steiner for his assessment of the Russian military contingent's activities among the forces in Kosovo. At the same time, we must regretfully take note of the destructive role of individual Kosovo mass media outlets in the establishment in the region of an atmosphere of intolerance and slanderous hostility towards, inter alia, those who in fact have promoted the restoration of normal life in the region. A number of Albanian-language newspapers recently attempted to unleash an anti-Russian campaign coinciding with the withdrawal of our military contingent from Kosovo's territory.

In that connection, we support the establishment in the region of the independent Temporary Media Commission to regulate mass media activities. Indeed, we believe that the Special Representative of the Secretary-General could play an active role in that sphere. Here, of course, we are not speaking of censorship, but only of an ability to affect the political processes in society in order to ensure the fuller implementation of resolution 1244 (1999) and the establishment of favourable conditions for achieving the objectives of the Kosovo settlement.

We call on UNMIK to take a more active and consistent stand in order to counteract the growth of radical tendencies in the region and to assert the rule of

law there. Because of a lack of progress in those areas, there have also been serious delays in establishing a substantive dialogue between Belgrade and Pristina.

In addition, we take note of a positive achievement: the recently reported readiness of the Serb and Kosovo representatives to begin a dialogue on specific practical issues. We reaffirm our support for the "standards before status" concept, which Mr. Steiner actively supports. The process of transferring non-reserved competencies to the region's Provisional Institutions of Self-Government must be carried out in strict compliance with resolution 1244 (1999), and its pace must be dictated by the effectiveness of the work of the Provisional Institutions in the areas in which they have already received the competencies they need. Here, we believe that UNMIK must continue to take a consistent stand, excluding attempts by Albanian extremists to use the Provisional Institutions of Self-Government to achieve their own political goals and to transform Kosovo into an independent quasi-State entity.

In conclusion, Mr. President, I should like to associate myself with the gratitude expressed in the report of the Secretary-General, and in your own assessment at the beginning of today's meeting, and to express our gratitude to Mr. Steiner for his contribution to United Nations efforts aimed at a settlement of the situation in Kosovo.

Mr. Muñoz (Chile) (*spoke in Spanish*): At the outset, we congratulate you, Sir, and express our confidence in your presidency. Our thanks go to Ambassador Lavrov and his team for their excellent work in guiding the work of the Security Council last month.

We thank Mr. Michael Steiner, Special Representative of the Secretary-General, for his briefing on the situation in Kosovo. We especially value the efforts and professionalism shown by Mr. Steiner and his team during his term at the head of the United Nations Interim Administration Mission in Kosovo (UNMIK), in which Chile has the honour to participate. We wish him every success in his future endeavours.

After reviewing the report of the Secretary-General (S/2003/675) and listening to Mr. Steiner, we should like to hail the significant progress made in achieving a substantial degree of autonomy during the period in question. At the institutional level, we must recognize the gradual transfer of non-reserved competencies in conformity with chapter 5 of the Constitutional Framework, and the work of the Transfer Council. Also noteworthy is the increase — albeit slight — in the average number of policy decisions adopted per month by the Government of Kosovo compared to the first three months of 2003, the significant increase in the proportion of those having legal implications and the progress in promulgating legislation with broad support. In addition, we welcome the Government's establishment of a Commission for Cooperation with the International Criminal Tribunal for the Former Yugoslavia.

Our support for UNMIK's work notwithstanding, we cannot fail to express our alarm at the violent incidents and crimes committed against minorities — for example, the horrible murders committed in Obilic on 4 June. All manifestations of ethnically motivated violence, harassment or discrimination run counter to achieving the goal of a multi-ethnic Kosovo and violate the spirit of resolution 1244 (1999). We appreciate the measures undertaken by UNMIK to find the perpetrators of those crimes and to bring them to justice.

Moreover, without significant and sustainable returns of internally displaced persons and refugees — and we welcome the progress made in that area — it will be impossible to build a multi-ethnic and democratic society in Kosovo capable of including all its inhabitants. Nor do we support the politicization of the civil servant hiring process in municipalities or the existence of parallel municipal structures, which violate the provisions of resolution 1244 (1999).

We must make every effort to overcome the difficulties affecting freedom of movement, particularly for Kosovo's Serb community. Furthermore, we must spare no effort to bring to justice those guilty of acts such as the explosion that occurred on 12 April on a railway bridge in Zvecan.

The future holds other challenges. One of them, for example, is to maintain and increase the level of efficiency of Kosovo civil servants in the light of the reduction in the number of international civil servants now in Kosovo.

Finally, we join in the appeal that other Council members have made to the parties to intensify the dialogue, because without a constructive dialogue between Belgrade and Pristina or between UNMIK and

the Kosovo Assembly, the achievement of concrete and tangible results with regard to overcoming the major challenges would be a distant prospect. Even worse, that would affect the most important objective: that all inhabitants of Kosovo be able to live in their homeland in dignity, freedom and safety.

Mrs. D'Achon (France) (*spoke in French*): The Italian Presidency of the European Union will speak later in the meeting on behalf of all of the Union's members and other partners.

I would like to echo the President in warmly thanking Mr. Michael Steiner for his final briefing to the Council, which he made this morning. I also wish to thank him for all his work as the Special Representative of the Secretary-General for Kosovo. We are certain that, thanks to his drive and his determined leadership of the United Nations Interim Administration Mission in Kosovo (UNMIK), the international community has made considerable progress towards the goal of establishing a secure and genuinely multi-ethnic, democratic and tolerant society in Kosovo, thus making possible the full implementation of the objectives of resolution 1244 (1999). The approach taken, and the procedure developed by, Mr. Steiner to define norms and benchmarks to be met by all actors in Kosovo merit particular praise.

Very real results have been achieved, in particular in the areas of establishing local Provisional Institutions of Self-Government, the gradual transfer of competencies to those institutions, respect for the rule of law, freedom of movement and economic development. All those results must be safeguarded, and determined efforts must continue to be made. We believe that the Provisional Institutions of Self-Government have a very specific responsibility to establish a climate conducive to implementing the objectives of the international community for the benefit of all of Kosovo's inhabitants.

Guaranteeing the rights of minorities and the establishment of a direct dialogue between Pristina and Belgrade on practical issues of mutual interest deserve particular attention. It will only be in that way that the transfer of non-reserved competencies will have a lasting and positive impact and that, in what we hope will be a calm environment, the issue of status can really begin to be addressed.

Mr. Pujalte (Mexico) (*spoke in Spanish*): I would like to congratulate you, Sir, on your assumption of the presidency of the Security Council. I am confident that the Spanish spirit will lead our efforts to success. Similarly, I would like to thank Ambassador Lavrov and his entire team for their work in guiding the Council's affairs in the month of June.

With regard to the matter before the Council, I would like to thank Mr. Michael Steiner for his introduction of the report of the Secretary-General (S/2003/675) and for the very interesting information he has given us today. I would merely like to make a few points that are of great importance to my delegation.

As we have stated on previous occasions, Mexico supports the process of transferring additional responsibilities to the Provisional Institutions of Self-Government of Kosovo. That process must be carried out gradually, always bearing in mind the capacity of the Provisional Institutions. Likewise, it is essential that the process be carried out in accordance with resolution 1244 (1999) and the Constitutional Framework.

The Provisional Institutions must be based on the principle of multi-ethnicity and a culture of intercommunal tolerance. The political leaders and elected representatives of all Kosovars, both of the minorities and of the Albanian majority, have a special responsibility to help ensure that Kosovo becomes a democratic, multi-ethnic and tolerant society in which the rule of law prevails. That means that the elected representatives of the Albanian majority in both the Provisional Institutions of Self-Government and the Kosovo Assembly, as well as municipal bodies, must vigorously and unequivocally condemn all ethnically motivated crimes and acts of violence. They must also stop putting forward legal initiatives that exceed the competencies conferred upon the Provisional Institutions, in particular drafts that run counter to reconciliation, as was the case with the resolution on "war values" that was adopted on 15 May. Likewise, representatives of minorities — in particular Serbs — should participate in the Provisional Institutions more actively and continuously. In that regard, it is important that they take part in the meetings of the Transfer Council.

The sustained return of displaced persons is another matter to which my delegation attaches great

importance. We welcome the fact that the number of minority displaced persons to return to Kosovo in the first five months of this year exceeded the total number of returnees last year. However, we know that the number is still very small as compared to the thousands of displaced persons who remain outside Kosovo, in particular Serbs. We therefore welcome the news given to us today by Mr. Steiner regarding the publication in Pristina yesterday of a public appeal addressed to refugees and displaced persons to return to Kosovo. That is the sort of measure that is most needed at the moment.

Safety and security are also important elements in the return of displaced persons. The lack of security, or at least the perception that exists in that regard, along with the lack of freedom of movement, continue to be serious obstacles to the return of displaced persons and to the ability of minorities in Kosovo to live normal lives. The murder of a family in the town of Obilic has fueled the perception of insecurity. My delegation trusts that the investigation of that case will be successful and that the crime will not go unpunished.

Of course, as the report that has just been introduced to us indicates, the economic factor is another essential element in achieving large-scale sustainable returns of displaced persons. As Mr. Steiner has pointed out, the economic situation is still the first concern of the population. It is therefore important that the Provisional Institutions support the process of return with concrete financing measures to be borne by the consolidated Kosovo budget.

My delegation also attaches great importance to the participation of women in political processes and in governmental structures. We are therefore also pleased to take note of the establishment of an Inter-Ministerial Working Group on Gender in Kosovo and of the high level of participation by women in the Provisional Institutions of Self-Government at the central level. It is important that this trend spread to all levels and that women from all communities take part.

With regard to the relationship between Belgrade and Pristina, we have taken note of the intention of both parties to initiate a dialogue on practical matters very soon, as was agreed at the Thessaloniki summit. That dialogue is fundamental to the Kosovo process. We therefore hope that it will not be delayed any longer.

As I stated before, we would like additional information about the privatization process, given the possible legal implications of legislation on the conversion of immovable property.

I would like to reiterate the support of my Government for the policy of "standards before status" as the only viable way to ensure that Kosovo becomes a democratic, multi-ethnic and tolerant society in which the rule of law prevails.

I would also like to reiterate our support and gratitude to the personnel of the United Nations Interim Administration Mission in Kosovo (UNMIK) for their professionalism and dedication. The Mission of Mexico expresses its special thanks to Mr. Steiner for the work that he has accomplished at the head of the Mission and wishes him every success in the next stage awaiting him in his professional career.

The President (*spoke in Spanish*): I thank the representative of Mexico for his kind words addressed to the presidency.

Mr. King (United Kingdom): The United Kingdom associates itself with the European Union statement to be given shortly by the Italian Ambassador. We welcome this opportunity to reiterate our support for Council resolution 1244 (1999) as the basis for the international community's policy on Kosovo.

Kosovo has come a long way since that resolution was passed in 1999. For the work that he has done in the past 18 months, Mr. Steiner deserves much credit and our thanks for putting down the strong foundations necessary to build a successful future for Kosovo. We have heard about the developments and achievements this morning. But in particular we would like to draw attention to Mr. Steiner's policy initiative of "standards before status", which has underpinned the international community's recent efforts. The United Kingdom firmly supports that policy and continues to believe that making the benchmarks operational is an important task that needs to be taken forward.

There is still work to do, as we have heard. The task ahead for the international community is to ensure that Kosovo's citizens and the authorities in both Pristina and Belgrade work together to build a future that really works — a future that reflects the democratic principles of tolerance and security for all. The international community will do all it can in

support, but the onus is also on those in the region to show the seriousness of their efforts to achieve those goals. In that respect, the United Kingdom particularly welcomes the open letter, quoted earlier by Mr. Steiner, to displaced residents of Kosovo, calling on those who have not yet returned to do so and to join the effort to make Kosovo safer and better for all. This, after all, is the goal that we all share.

Mr. Cunningham (United States of America): We welcome this opportunity to extend the gratitude of the United States and its thanks and appreciation to Special Representative Steiner for his leadership of the United Nations Mission in Kosovo over the past year and a half. The discussion today, Mr. Steiner's report and the comments of colleagues on the Council demonstrate very clearly the progress that has been made in the last year and a half, thanks to his efforts and the efforts of his colleagues in Kosovo. He is to be congratulated.

Of course, there is much left to do. Many of those items have already been cited in other statements: security, privatization, bringing in investment, getting the economy running, returns. All that is still on the agenda, but a good foundation for progress has been laid. The Provisional Institutions of Self-Government, particularly the Kosovo Assembly, must concentrate on addressing issues that are within the constitutional mandate and focus on passing legislation for the good of all Kosovars. Divisive symbolic actions do nothing to advance Kosovars' material conditions but exacerbate relations among the communities. Dialogue among the communities — not calls for mutually exclusive approaches to the future — has to be the way ahead. We, too, are especially pleased to note the unprecedented public appeal on July 2 for minorities to return to their homes in Kosovo to live in peace.

We have strongly supported Mr. Steiner's efforts to begin a dialogue also between Belgrade and Pristina on practical issues of mutual concern, including issues identified in the Common Document. As reported in the Secretary-General's June report (S/2003/675), working-level contacts between officials of Belgrade and Pristina have already begun. That effort needs to be expanded by both sides. On a practical matter, we specifically would urge Belgrade to recognize license plates and encourage Kosovo Serbs to register their vehicles with the United Nations Interim Administration Mission in Kosovo (UNMIK).

The process of transferring all non-reserved powers to the Provisional Institutions by the end of this year is an important step in implementing resolution 1244 (1999). We are pleased that UNMIK is moving forward with developing a work plan on the benchmarks, as requested by the Council in February. For its part, the United States is providing technical assistance to develop the work plan and believes that the plan will be a major step in assisting the Provisional Institutions to define what they need to accomplish in order to create a multi-ethnic society with a functioning market economy.

Focus on "standards before status" is still important and is the basis for the way ahead. The standards lay out the road to a better future for all Kosovars, and UNMIK and Mr. Steiner's successor will have the full support of my Government in getting down that road.

Mr. Zhang Yishan (China): I wish to congratulate your country, Madame, on presiding over the Security Council for this month. The Chinese delegation will fully support your work. I also wish to take this opportunity to express our thanks to the Russian delegation for presiding over the Council last month. I thank Ambassador Lavrov for his diplomatic skill, which led to the successful completion of the Council's work for last month.

The Chinese delegation thanks the Secretary-General for his report (S/2003/675) and Mr. Steiner for his briefing. Over the past year, Mr. Steiner has led the efforts of the United Nations Interim Administration Mission in Kosovo (UNMIK) to restore social stability and economic development in Kosovo. He has made a tireless effort. We express our appreciation for that.

We are pleased to note that over the past several months the situation in Kosovo has shown progress. The Transfer Council is up and running. The Kosovo Police Service has set up the unit against organized crime. UNMIK has decided to establish a special board to monitor the Kosovo Protection Corps. That deserves our positive appraisal.

At the same time, we are concerned at the slow progress in national reconciliation and in the establishment of a multi-ethnic society in Kosovo. As the Secretary-General pointed out in his report, violence and crimes against ethnic minorities are still taking place. Ethnic minorities, especially Serbs, find that there are still difficulties ensuring their freedom of

movement and that their mass return to their homeland is difficult. They still encounter problems in using their own language and in participating in politics and public life. To make Kosovo a genuinely democratic and tolerant society, such a situation should be reversed at an early date.

We have noted that yesterday the Serbian leaders in Kosovo invited all internally displaced persons and refugees to return to their homes. We have taken note of that appeal. We hope that the parties concerned will take practical actions so that all refugees and internally displaced persons can return to their homes at an early date and in decent conditions.

The settlement of the issue of Kosovo ultimately depends on dialogue and cooperation between the Government of Serbia and Montenegro and the Kosovo Provisional Institutions of Self-Government. We welcome the willingness to cooperate shown by the leaders of both sides. It is a positive sign. We hope that with the support of the international community, both sides will maintain dialogue and gradually find a proper solution to outstanding issues in order to achieve long-term peace, stability and development in Kosovo.

China has always been concerned by the situation in Kosovo and in the Balkan region in general. The Vice-Minister of Foreign Affairs of China will soon visit Serbia and Montenegro and he will go to Kosovo to establish contacts with the local parties. We will continue our own efforts for the full implementation of Council resolution 1244 (1999).

Mr. Khalid (Pakistan): I wish to extend our warm congratulations to you, Mr. President, and our best wishes on your assumption of the Council presidency for this month, and to assure you of the full cooperation of the delegation of Pakistan. I also avail myself of this opportunity to express our gratitude to Ambassador Lavrov and the Russian delegation for effectively conducting the presidency last month.

We welcome Mr. Steiner into our midst. We are grateful for his briefing but regret that this will be the last such briefing which he gives to the Council in his present capacity. We hope that this will not be his last appearance in this Chamber.

In spite of our own viewpoint on the standards versus status approach, Pakistan has always supported and will continue to support the United Nations Interim Administration Mission in Kosovo (UNMIK) as it works to implement the resolutions of the Security Council, particularly resolution 1244 (1999).

With regard to the situation in Kosovo, I shall limit my remarks to some key findings of the Secretary-General's report.

First, we welcome the transfer of some non-reserved responsibilities listed in chapter 5 of the Constitutional Framework to the Kosovo Provisional Institutions that have taken place. We are also pleased to note the transparent, inclusive and responsible nature of decision-making by the Kosovo Civil Service with regard to the implementation of those new responsibilities.

Secondly, we welcome the encouraging signs of growing readiness on the part of Kosovo's leaders to back minority returns, while noting that more needs to be done to ensure that this commitment translates into concrete backing and support for the returns process throughout Kosovo's Provisional Institutions. In that regard, we welcome the issuance of the open appeal yesterday.

Thirdly, we support Mr. Steiner's initiative to begin the dialogue on practical matters between Belgrade and Pristina, and we welcome the positive indications from both sides to initiate those talks.

Finally, we agree with the Secretary-General that the rule of law remains a central challenge. Much has been achieved by the painstaking work of UNMIK under Mr. Steiner and his predecessor. Yet still more work needs to be done to build on those achievements.

By all accounts, we regard the latest report of the Secretary-General on UNMIK as Mr. Steiner's report card. Given the difficult situation and political environment of Kosovo, Mr. Steiner has passed with flying colours. However, the recent achievements of UNMIK must not blind us to the problems that remain. We regret the divisiveness and mistrust that still prevail in Kosovo, as well as the lack of cooperation by key communities, especially in the Provisional Institutions. We also regret the establishment of parallel institutions. In a place where bridge-building is required, there is no place for bridge watchers.

We condemn all violence against civilians, present or past. Impunity must not be tolerated. We call for the removal of all obstacles that hinder the right of refugees to return in peace and safety and with dignity.

We believe that Kosovo will not truly recover from its present situation without sustained assistance for its economic growth and development. Those are the challenges that still remain before us.

Let me conclude by conveying my delegation's best wishes to Ambassador Steiner and by wishing him luck in his next important assignment.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council. We express our full support for all your efforts for the maintenance of international peace and security. We thank Ambassador Lavrov and the friendly delegation of the Russian Federation for their efforts last month to carry out the tasks of the Council.

We welcome Mr. Michael Steiner. We have heard his briefing at the opening of this meeting, a very detailed and thorough statement on all aspects of the situation in Kosovo. In particular, he provided us with the details of the successes achieved during the past 18 months and of the obstacles that continue to impede full implementation of resolution 1244 (1999). The delegation of the Syrian Arab Republic wishes to reaffirm to Mr. Steiner its deep appreciation for his efforts to obtain the release of prisoners and to restore the political process in Kosovo, which will lead to the establishment of civilian institutions there. We agree with Mr. Steiner in his assessment of the positive aspect represented by the open appeal addressed to all displaced persons in Kosovo and the hopes and objectives contained therein.

My delegation expresses its satisfaction with the Secretary-General's report (S/2003/675) on the work done by the United Nations Interim Administration Mission in Kosovo (UNMIK), submitted pursuant to resolution 1244 (1999), which is now before us.

My delegation welcomes the transfer of powers to Provisional Institutions, in accordance with chapter 5 of the Constitutional Framework, which will make it possible to strengthen the capacity of the Provisional Institutions to assume new responsibilities. The Government of Kosovo took 27 decisions in that regard during the period covered by the report, 12 of which relate to legislation. The Kosovo Assembly made great progress in forwarding legislation to the Special Representative of the Secretary-General for promulgation following revision. The municipal assemblies have also made great efforts to adopt legislation, which has been slow.

We must also protect vulnerable groups and women and encourage them to participate in public life, in accordance with the action plan known as "Community Proportional Representation", put forward by the Special Representative of the Secretary-General and the Kosovo Prime Minister last year.

My delegation reaffirms the need to pursue dialogue between Belgrade and Pristina regarding practical matters to be resolved, and we are pleased to note that the United Nations Office in Belgrade began its work on 1 July 2003.

My delegation also supports the Secretary-General's comments in his report that the challenges faced by UNMIK must be met by working in the framework of the "standards before status" policy, as explained by Mr. Steiner.

Finally, my delegation welcomes Mr. Steiner's efforts and contribution to UNMIK. We congratulate him on the progress made during his mandate and wish him every success in his future work once he has completed his task as Special Representative of the Secretary-General in Kosovo.

Mr. Tidjani (Cameroon) (*spoke in French*): I should like once again to convey to you, Sir, my delegation's congratulations on your accession to the presidency for this month. We would like once again also to express our deep appreciation to Ambassador Lavrov and his colleagues for the outstanding manner in which they guided our work in June.

I should like also to thank Mr. Michael Steiner for his introductory statement, which provided further information on numerous items included in the Secretary-General's most recent report on Kosovo. That report and the additional statement made by Mr. Steiner put forward — four years after the adoption of resolution 1244 (1999) — a comprehensive stock-taking of the efforts of the international community and the United Nations to normalize the situation in Kosovo through the establishment or restoration of functioning democratic institutions; the creation of an increasingly safe environment in which efforts are being made to ensure genuine participation for all, including minorities, in managing affairs of State; and the carrying out of reforms necessary for the relaunching of the economy.

This exercise in stock-taking was necessary to enable us to evaluate the effectiveness of the strategy of standards and benchmarks that emerges from resolution 1244 (1999). My delegation is indeed satisfied with the results.

There is no doubt that significant progress has been made in Kosovo. Relative peace has been restored in the province, and elections have taken place that have given rise to institutions which, as I emphasized earlier, are more or less functional. The Kosovo Police Service, trained by the United Nations Interim Administration Mission in Kosovo (UNMIK), is now operational, and a stable market economy is gradually coming into existence. The return of minorities and displaced persons is no longer a taboo subject. On the contrary, more and more voices are being heard speaking publicly in favour of this process.

Contacts, albeit limited, have taken place between Belgrade and the Provisional Institutions in Kosovo, which are also engaged in a dialogue with UNMIK.

Kosovo, as the Secretary-General notes in his report, is making progress towards substantive autonomy and genuine self-administration, as spelled out in resolution 1244 (1999).

The progress and successes achieved — which, indeed, can be credited to the United Nations and to the entire international community — remain precarious because of numerous problems, which are described in detail by the Secretary-General in his report. Mr. Steiner, too, noted several of these.

These ongoing problems — and my delegation has stated this previously — result from internal feuds fuelled by partisan rivalry, which provide a breeding ground for intolerance, hatred and issues of identity, all of which tend to lead to insecurity, injustice, violence and hatred, thereby slowing down constructive dialogue and delaying the re-establishment of that confidence which is a prerequisite for the peoples of Kosovo.

Given that scenario, how can one not be discouraged? How can these efforts be continued, when extremists of all types are working tirelessly to undermine the foundations of the state of law which is slowly and carefully being built by men and women of good faith, who have come from distant lands to help the people of Kosovo, who have only one desire — a normal life. That aspiration allows the people to remain hopeful that one day they will live in a reconciled society in which all people can work hand in hand with their neighbours, in a spirit of solidarity, in building their common destiny.

That is why we believe that the United Nations and the international community as a whole must further strengthen their presence among the people of Kosovo to help them to meet the challenges and overcome the difficulties confronting them.

I should like to reiterate the dedication of my country, Cameroon, to the principle of "standards before status". Let me also appeal to all political and administrative officials, to all those involved in shaping public opinion in Kosovo, and to civil society there to draw inspiration from, inter alia, the outstanding work done in restructuring the police, the result of which is an ethnically balanced police force. They must refrain from any actions that might kindle strong sentiments and thereby undermine the process of building a multi-ethnic and multicultural civil society.

My delegation welcomes the appeal issued yesterday in Pristina for the return of displaced persons to Kosovo. That is the kind of news that we hope to be receiving more often.

I should like now to recall the need for a frank and constructive dialogue with Belgrade. Such a dialogue is crucial. It must be held in a spirit of calm and tranquillity, with respect for international law and for the relevant resolutions of the Security Council.

Finally, I should like to pay a well-deserved tribute to the Special Representative of the Secretary-General, Mr. Steiner, for his selfless work, his leadership, his commitment to the implementation of resolution 1244 (1999), his unstinting dedication to bring back to Kosovo the basic human values of tolerance, respect for one another, and the acceptance of differences.

I should like also to express my delegation's appreciation to his entire team, which, courageously and clear-sightedly, is endeavouring to assist the people of Kosovo to establish new relations through new and innovative structures, with the ultimate objective of a reign of peace, stability, harmony and prosperity for all.

Mr. Lucas (Angola): Sir, please accept our congratulations on your assumption of the presidency of the Council. You may count on our full support and

cooperation. We take this occasion also to congratulate Ambassador Lavrov and the Russian delegation for the excellent work performed during the Russian presidency of the Council during the month of June.

We thank the Special Representative of the Secretary-General in Kosovo for his comprehensive report on the situation in the territory. We praise the outstanding work done by Mr. Michael Steiner as head of the mission and the remarkable achievements of the United Nations Interim Administration Mission in Kosovo (UNMIK) under his leadership, with a view to laying the foundations for the future definition of the territory's status.

My delegation is continuing to follow closely the situation in Kosovo, and we acknowledge the progress that has been made in the political process since the adoption of resolution 1244 (1999). In this respect, we would like to make some brief comments.

We recognize that Kosovo still has a long way to go before it achieves the goal of establishing stable and effectively functioning multi-ethnic and multicultural democratic institutions allowing the full participation of minorities, which are an integral part of the social matrix of Kosovo.

The current transfer of responsibilities from the United Nations Interim Administration to the Provisional Institutions is an encouraging development towards self-government in Kosovo, notwithstanding the continued fragility of these institutions.

The Assembly of Kosovo, according to the Secretary-General's report, has improved its functional performance significantly. The adoption of several pieces of legislation and an apparent understanding of legislative limits within the responsibilities determined by the Constitutional Framework give credit to the enhanced quality of its work.

A fundamental issue is the rule of law as a prerequisite to the realization of a democratic State, entailing respect for fundamental human rights and freedoms. In this regard, we strongly condemn the acts of violence committed against members of the Serbian community and particularly the killings that took place last month in Obilic.

We take note of the increasing number of returns by members of the minority, reflecting the greater commitment of local authorities and the improvement of structures facilitating the returns. We fully share the view expressed in the Secretary-General's report that

> "the process of return and reintegration can be successful and sustainable only if coupled by a genuine willingness on the part of the majority community and minority communities to work together" (*S/2003/675, para. 63)*

and with a common sense of purpose.

We urge Kosovo's leaders to ensure the necessary revitalization of the peace process in all its dimensions with a view to implementing the agreed framework. We deem it essential that a constructive dialogue on practical matters of mutual interest between Belgrade and Pristina be intensified and further extended to political issues, and that concrete results are achieved.

We encourage the United Nations Interim Administration Mission in Kosovo and the Special Representative to maintain their consistent position and to continue working for the attainment of the goals set in resolution 1244 (1999) and the Constitutional Framework.

I shall conclude by reiterating that the policy of "standards before status" is, in our view, a consistent strategy in framing the future of Kosovo. We encourage all parties involved in the process to work for peace and stability with a view to creating a multi-ethnic and democratic society embracing all the people and ethnic communities of Kosovo.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Spain.

I am grateful for the comprehensive statement made by Mr. Steiner. Spain fully supports the statement shortly to be made by the representative of Italy.

The key conclusion of the Thessaloniki summit was that Europe would remain incomplete without the Balkans and that Kosovo must be integrated into the Balkans and the Balkans into the European Union. To that end, however, it is essential that democracy, tolerance, the rule of law and respect for human rights prevail.

Kosovo is still far from achieving those goals, despite progress. We are concerned about the lack of security, and especially about attacks upon minorities. Those attacks hinder the return of displaced persons

and refugees, which is critical to the creation of a genuinely multi-ethnic society.

The Provisional Institutions of Self-Government must be devoted exclusively to matters within their purview that affect all the people of Kosovo. The transfer of competences must be gradual and take into account the true capacity of the Institutions to assume responsibilities.

Spain continues to view with concern the attitude of Albanian Kosovar leaders who publicly advance positions contrary to resolution 1244 (1999). Moreover, it is necessary to encourage more active participation by non-Albanian Kosovars in the work of the Assembly and the Transfer Council.

We also condemn any attempt to create mono-ethnic institutions and we appeal for the dismantling of parallel administrative structures. In this regard, we would ask Mr. Steiner to explain the details of the plan of action that the United Nations Interim Administration Mission in Kosovo is preparing to address the issue of parallel structures.

Spain would wish to see confirmation in practice of the positive reply to the appeal made in Thessaloniki for a dialogue between Belgrade and Pristina. We hope, in conclusion, that the leaders of both parties will open such dialogue on practical matters in a constructive spirit as soon as possible.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Serbia and Montenegro.

Mr. Šahović (Serbia and Montenegro): I would like to congratulate you, Sir, on your assumption of the Council presidency for the month of July and to thank you for convening this meeting. I also wish to express the appreciation of my delegation for the work of the Russian Federation presidency last month.

We are grateful to the Secretary-General for his report and thank his Special Representative, Mr. Michael Steiner, for the briefing he provided today — his final one in this capacity. I would like to wish him every success in his new, important post.

Three weeks ago, we had the opportunity to analyse the situation in Kosovo and Metohija after four years of the international presence. Unfortunately, our analysis differs from that we have just heard from Mr. Steiner, but perhaps that is understandable. To describe the poor state of affairs in the province, we find it sufficient at this point to cite the recent report of the Council of Europe decentralization mission, stating that the political climate in Kosovo currently appears worse than ever since 1999. The report of the Secretary-General before us also indicates the underlying unsatisfactory conditions on the ground.

It is, however, not quite clear to us what the United Nations Interim Administration Mission in Kosovo (UNMIK) intends to do to address the outstanding difficulties. The Mission has evidently entered a delicate phase and is, in addition, awaiting a new Special Representative of the Secretary-General. My country hopes the appointment will soon be forthcoming, since there is much work yet to be done before the situation improves.

On this occasion, I would like to indicate some of the steps that we feel would need to be taken in the nearest possible future.

The Secretary-General's report states that the transfer of responsibilities to the Provisional Institutions of Self-Government is being carried out at a pace that takes into account their capacities to assume additional responsibilities. However, the analysis of the functioning of these Institutions in most cases does not offer evidence of successful performance of their basic functions.

It is therefore necessary to define transparent criteria for assessing the capabilities of the Provisional Institutions to perform tasks entrusted to them at this stage, as well as criteria and a timetable for assuming new responsibilities. As some Council members have previously proposed, a clear link needs to be established between performance and progress in the transfer of responsibilities. This would assist the process of establishing good governance in the Province.

The persistent attempts of the Assembly of Kosovo and Metohija to overstep its competencies is a serious political issue that needs to be appropriately addressed. Accountability is necessary in cases of repeated violations of the existing legal framework in the province and particularly of resolution 1244 (1999). UNMIK has to take clear and concrete measures to prevent recurrence of these attempts. Declarations of condemnation by UNMIK are obviously not sufficient to put an end to this practice.

Basic human and minority rights — including the right of minorities to use their language, access to education, health care and employment — need to be upheld in a far more vigorous manner than has been the case to date. We fully expect UNMIK, within its overall responsibility for the province, to meticulously ensure the exercise of these rights.

The majority must be held responsible for compliance with resolution 1244 (1999) and for establishing the values of a democratic, multi-ethnic society. Otherwise, it will be difficult to expect the most vulnerable, the minorities, not to reach out for help elsewhere or to try to create their own institutions.

The investigation of the triple murder in Obilic on 4 June has not yielded any results, as is the case with many other atrocities the Council might care to recall.

A more visible presence of the Kosovo Force (KFOR) and of UNMIK would deter potential attacks on members of minority groups as well as on their heritage sites. Just a few days ago, the Orthodox Church of St. Nicholas was stoned in Pristina for the second time in one month and for the sixth time this year. In addition, the Orthodox cemetery in Kosovska Vitina was desecrated, also not for the first time.

Serious and robust action by the police in apprehending perpetrators of all types of crime — including ethnically motivated crime — is a precondition for establishing the rule of law in Kosovo and Metohija. The necessity of bringing criminals to justice has been cited as a precondition for reconciliation in all crisis spots around the globe. Kosovo and Metohija is certainly no exception.

The Kosovo Protection Corps (KPC) is another problem that requires decisive action. The Secretary-General's report (S/2003/675) cites a connection between KPC and the Albanian National Army (ANA) terrorist organization. However, the KPC commander has faced no consequences for harbouring an as yet unknown number of terrorists in that nominally civilian organization. We expect a full, prompt and transparent investigation into KPC's membership and activities.

Without a breakthrough in creating a secure environment for all inhabitants, few other problems in Kosovo and Metohija can be solved. We therefore ask the Council to carefully review the plans to downsize the UNMIK Police. It is also clear that the number of international judges and prosecutors is inadequate. If the establishment of the rule of law is to be an attainable goal, their numbers will need to be increased, not reduced.

Further failure to comprehensively address security issues will also present a major impediment to the success of various initiatives aimed at giving impetus to the return process, such as the Rapid Response Returns Facility. A viable return strategy requires full cooperation on the part the Provisional Institutions, which — as the report indicates — has not been forthcoming. UNMIK needs to put that responsibility — including conditionality — more forcefully before the Provisional Institutions.

We take note of the call by Kosovo and Metohija leaders for the return of internally displaced persons. It could have been taken in good faith had it offered guarantees for a fundamental right to life for members of minority groups. A declaration of willingness to work with elected representatives of minorities rings hollow alongside an explicit statement that no one's security can be assured. That appeal says, among other things, "We cannot guarantee anyone a job, and we cannot guarantee anyone's safety".

In addition to those priorities, the new Special Representative of the Secretary-General will have before him or her the standards whose implementation the Council has called for so many times. The obvious necessity of making operational the benchmarks for meeting those standards has also been stated in this Chamber. It is our expectation that clear indicators will be established as a basis for measuring progress achieved by the Provisional Institutions — and UNMIK as well — in meeting all eight standards.

Decentralization is also an undertaking of strategic importance that we hope the new Special Representative will energetically pursue. We are studying the detailed report of the Council of Europe mission charged with dealing with that issue. My Government hopes for an opportunity to discuss the topic in depth with both the Council of Europe and UNMIK in the near future.

As to the question of privatization, I should like to inform the Council that we recently received a response from the Legal Counsel of the United Nations to our request for an explanation of the legal basis of regulation 2003/13, known as the "land use" regulation. In particular, given the recent assessment of the Deputy Special Representative of the Secretary-

General and head of UNMIK's European Union Pillar that the regulation is critical to the political future of the province, we hope that the Council will devote more attention to this issue, as proposed during the most recent debate on this item (see S/PV.4770). It is our firm belief that a process of such importance as privatization should not, at its very outset, be burdened by doubts as to its legality. Therefore, we are ready for a constructive discussion with UNMIK on the matter.

With the appointment of a new Special Representative, we will also be looking forward to a speedy improvement in our cooperation with UNMIK. We believe that the Common Document of November 2001 and the existing High-Ranking Working Group continue to be the best framework; this does not indicate any intent to seek co-governance with UNMIK, but shows our unreserved willingness to help improve the situation.

Finally, allow me to reiterate our position on dialogue with Pristina. Over a period of time, my country has consistently expressed its readiness for the commencement of such a dialogue. Now, it seems that the sustained efforts of the international community to prevail on Pristina to accept talks on practical issues have yielded results. We believe that a dialogue should focus on issues such as security, returns, energy and transport. We hope that the United Nations, the European Union and members of the Contact Group who are willing to do so should be involved in the process with a view to establishing mechanisms to ensure both the constructiveness of the dialogue and the effective implementation of any agreed measures.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Italy. I invite him to take a seat at the Council table and to make his statement.

Mr. Spatafora (Italy): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the associated countries Bulgaria, Romania and Turkey, and the European Free Trade Association countries members of the European Economic Area Iceland and Liechtenstein declare that they align themselves with this statement.

Since this is the first time that I have taken the floor under your presidency, Sir, allow me first to congratulate you on the assumption of your duties and to wish you success during your term of office. I should also like to extend my congratulations to the previous President, the Permanent Representative of the Russian Federation, Ambassador Lavrov, for his excellent work.

We welcome the briefing by the Special Representative of the Secretary-General for Kosovo, Mr. Michael Steiner, and we should like to express our most sincere appreciation for the work he has done to achieve full implementation of Security Council resolution 1244 (1999).

The strong commitment of the European Union to the Western Balkans region was confirmed at the European Union-Western Balkans Summit, held at Thessaloniki on 21 June. On that occasion, the European Council — as we have recalled here — reaffirmed its determination to fully support the European perspective of the Western Balkan countries, which will become an integral part of the European Union family once they meet the established criteria. A Stabilization and Association Process enriched with instruments drawn from the European Union's pre-accession strategy will be at the centre of our action, whose pace will depend on the determination of each of the countries concerned to introduce and implement the necessary reforms. The Thessaloniki Declaration and Agenda for the Western Balkans, which were adopted at the Summit, provide the framework for moving towards European Union integration. It will be up to the Italian Presidency to begin to translate into concrete action the political commitments undertaken by the European Union at Thessaloniki.

The European Union will ensure that Kosovo's European prospects are not held back by the issue of final status. But, before that, a democratic, multi-ethnic and multicultural Kosovo, with full respect for the rule of law and for human and minority rights, will have to be built. To that end, the European Union and the Western Balkan countries reaffirmed in the Summit Declaration their support for the full implementation of resolution 1244 (1999) and for the "standards before status" strategy, which remain the bases of European Union policy in Kosovo.

In that context, as Secretary-General Kofi Annan stated in his report of 26 June (S/2003/675), much remains to be done to ensure active assistance for the return process at both the central and the local levels. The European Union supports Kosovo's economic

recovery and development, and it reconfirms its commitment to get the privatization process under way. The European Union also welcomes the willingness of the leadership in Belgrade and Pristina to begin a direct dialogue on practical issues of mutual interest, and it hopes that such a dialogue can be launched as soon as possible.

Political stability in Kosovo requires democratic, stable and functioning local institutions. We therefore fully support the transfer of competencies to the Provisional Institutions of Self-Government set out in chapter 5 of the Constitutional Framework, depending on the capacity of the Institutions to handle them. Our common objective is to build effective, transparent and accountable institutions for the benefit of all communities while adhering to the obligations stemming from resolution 1244 (1999) and the Constitutional Framework and without prejudice to Kosovo's future status.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Haraguchi (Japan): I would like to thank you, Mr. President, for convening this open meeting concerning the situation in Kosovo. I would also like to thank Special Representative of the Secretary-General Michael Steiner for his presentation. Allow me to take this opportunity to commend him for the achievements made during his tenure, and to express the hope that his successor will be appointed as early as possible.

As the continued instability in Kosovo has the potential to negatively affect the security of, and economic development in, neighbouring areas, ensuring the stability and prosperity of Kosovo is of vital importance to South-Eastern Europe as a whole. In that belief, the Government of Japan has supported the peace implementation process in accordance with Security Council resolution 1244 (1999).

Thanks to the efforts of Mr. Steiner and the United Nations Interim Administration Mission in Kosovo (UNMIK), Kosovo has made significant progress. However, major challenges remain to be addressed — including the strengthening of the rule of law, especially as regards improved security and freedom of movement for all, and the matter of the return of refugees and internally displaced persons — before the goal of building a democratic and multi-ethnic society can be achieved, a society in which the basic human rights of all people are respected regardless of their ethnic background and in which all communities can participate fairly in the political process. Therefore, what is important at this stage is to work steadily to address those challenges, rather than hastily discussing the future status of Kosovo.

My Government has supported the "standards before status" policy advocated by the Special Representative, and hopes that the Provisional Institutions of Self-Government will make further efforts to solve those problems.

There are two major issues to resolve in confronting those challenges: the transfer of responsibilities from UNMIK to the Provisional Institutions, and establishing a dialogue between Kosovo's Provisional Institutions and the Government of Serbia and Montenegro. We support the Secretary-General's policy of a phased transfer, taking into account the limited capacity of the Provisional Institutions and the need for them to be held accountable for Kosovo's population. Regarding the dialogue between Pristina and Belgrade, my Government welcomes the news that, on the occasion of the EU-Western Balkans Summit in Thessaloniki, the leaders of both sides have agreed to hold discussions on practical issues. We hope that such direct talks will start soon and that constructive dialogue will take place.

The existence of violence and organized crime in Kosovo has not only made the region a hotbed for illicit weapons trafficking and ethnically motivated crime, it has also had had a negative impact on the economy as a whole. Security-related incidents such as the murder in Obilic and the bombing of a railway bridge in Zvecan may be undermining the process of reconciliation in Kosovo, towards which we are all working. It is therefore important that the international community extend assistance for ethnic reconciliation, including funds for the eradication of organized crime and further improvement of the security situation. The Japanese Government has previously extended humanitarian and reconstruction assistance in various areas — including for the return of refugees and internally displaced persons, housing and electricity — and has recently decided to contribute to the small arms control programme in Kosovo and the project aimed at achieving reconciliation in Obilic.

In closing, I would like to assure the Council that Japan remains determined to continue to make a positive contribution to the stability and prosperity of Kosovo.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Albania. I invite him to take a seat at the Council table and to make his statement.

Mr. Nesho (Albania): Our delegation welcomes the presence of the Special Representative of the Secretary-General for Kosovo, Mr. Steiner, at today's very special meeting.

At the very outset, allow me to express the support of the Albanian delegation for the report of the Secretary-General (S/2003/675) on the democratic and integration processes in Kosovo. Our delegation commends the significant achievements that have been made and takes note of the remaining problems in Kosovo, both of which are well defined in the report. The problems are related to, among other things, the functioning of a multi-ethnic society, the strengthening of the rule of law and the return of the displaced persons. It is of great importance that we all recognize the undeniable reality that there have recently been encouraging developments in Kosovo despite the fact that the progress achieved is not yet at the same level in every aspect of life.

In evaluating the progress, we share the opinion and concerns of both UNMIK and local representatives that there are still problems and areas that require serious commitment. Enhancing democratic institutions and respect for the norms of a multi-ethnic society, the promotion of a stable and developed market economy, the return of displaced persons, and the strengthening of regional cooperation and the processes of European integration remain the main challenges requiring the attention of Kosovo's governing authorities.

The progress and achievements in Kosovo reflect the great contribution made by UNMIK's administrator, Mr. Steiner, during his tenure. Thanks to his vision, his abilities as an experienced politician and his determination to raise the necessary issues at the right time, he has succeeded in implementing the policy of the international community and in accomplishing his important mission in Kosovo. We thank him for his leadership.

The Albanian Government commends the considerable achievements of UNMIK and its administrator, Mr. Steiner, for, among other things, their efforts to establish and enforce Kosovo's Provisional Institutions of Self-Government, to hold successful local democratic elections, and to initiate and carry out the process of transferring powers to Kosovo's provisional institutions.

Our Government has supported the initiative of the Special Representative of the Secretary-General to institutionalize the inclusion and active participation of Kosovo in democratic and integration processes. We take this opportunity to commend in particular the participation of representatives of Kosovo's Institutions at the European Union Summit held in Thessaloniki, Greece. We believe that this inclusive and integrated policy should continue and that it should represent a trend with regard to international institutions and organizations, in order to prevent marginalized and isolated zones in the Balkans. Similarly, the same willingness should be demonstrated in encouraging Kosovo's full and speedy integration into common regional, European and international structures.

The initiation of a dialogue between Pristina and Belgrade is an important and necessary element in meeting the standards set out by the international community for Kosovo's European integration. We believe that both representatives of Kosovo's Institutions and Belgrade officials will demonstrate the appropriate understanding, good will and maturity to discuss and encourage solutions on various practical issues of mutual interest. We are of the opinion that the mediation and assistance of international institutions is still necessary to ensure the success of this crucial process.

It is important that this process should advance, as the improvement of the inter-ethnic dialogue will facilitate the speedy return of displaced persons to Kosovo. In the meantime, members of minorities should resist the influence of outside politics and interference and should consider themselves to be an integral part of the multi-ethnic political and social society of Kosovo.

The fulfilment of standards and the definition of the final status of Kosovo, in respect for the will of the people for self-determination, are interdependent and interrelated processes. The involvement of the international community should guarantee those

processes, with the aim of promoting sustainable stability, the spirit of peace and security in the Western Balkans and its integration into Europe.

The President (*spoke in Spanish*): I now give the floor to Mr. Steiner to respond to comments and questions addressed to him.

Mr. Steiner: First of all, with respect to Obilic, what took place there was an atrocious crime. A father of 80 years of age, his wife of 78 years of age and their son aged 53 were brutally mistreated and murdered. I was at the site of the crime. I saw the sister of the murdered son, who arrived on that exact same day because she had the intention of coming back to Obilic, where inter-ethnic relations are quite good. She had the intention of coming back to that place from Serbia because she was encouraged by the progress. Now she had to come back under those circumstances. It was atrocious, no doubt about that.

What has been done after Obilic? With the support of the leaders of the larger parties, the next day the community declared a day of mourning. The news broadcast of the main television station, which is normally from 7.30 to 8.00, dedicated 20 minutes to that incident. Not one leader in Kosovo failed to express himself clearly in condemning the crime.

On the same day, I established a special police squad, with perhaps the best leader at its head — it now comprises 16 police specialists — in order to catch those who are responsible for the crime. But we must respect the fact that the police can act only on the basis of the rule of law. The police have to respect the requirements we want to introduce into Kosovo. Of course, it is sometimes difficult to get progress under those circumstances. I hope that we get progress soon. I can only say that 50 per cent of the work of the Police Commissioner, Stefan Feller, is concentrated on that specific issue. We have increased the 24-hour presence of the Kosovo Force (KFOR) and of the United Nations Interim Administration Mission in Kosovo (UNMIK). I have offered a reward of 50,000 euros for information leading to the capture of the perpetrators. We are really doing everything we can to catch the perpetrator, which is also in our own interest. I would also like to appeal to everyone present, specifically those from the region, not to prejudge the outcome and to avoid any politicization of that heinous crime.

Secondly, the Council of Europe was mentioned, which in its most recent report indeed stated that the political climate is very bad. But let us look at the reasons that the Council of Europe mentions. The Council of Europe says that the reasons for this difficult political climate are, yes, statements in the Assembly that are not within the mandate of the Assembly; and yes, for example, the "war values" resolution to which, as the Council knows, I have reacted.

But then the report mentions other reasons why the climate is so bad. It mentions an election campaign in Belgrade, the withdrawal of the Kosovo Serbs from the Assembly and the inclusion of Kosovo in the preamble of the Constitution of Serbia and Montenegro. It also mentions a change of policy in Serbia, the constant demands for the partition of Kosovo, divisive statements from politicians and provocative language concerning the possibility of a renewal of hostilities.

This is what we have to see: I think if we want to have the right political climate, all the political leaders have a responsibility to leave the past behind. I am thinking along the lines of the statement on return that we have mentioned here, and which so many Council members have also welcomed.

I would like briefly to address three points that were mentioned by Council members. The first was Spain's mention of what we are doing about parallel structures. In a functional way, parallel structures are a problem mainly because they are still financed. When we found out that the financing of the parallel structures from the outside was occurring clandestinely, the director of the tax administration wrote a letter to his counterpart in Belgrade, making it clear that the clandestine money coming over the boundary line into Kosovo represented a violation of the money-laundering provisions enforced in Kosovo. Therefore, we must make it clear that if any more money comes in that is not publicly declared to the UNMIK institution — money coming in clandestinely, financing parallel structures — we have to react in accordance with the provisions of the money-laundering legislation.

Secondly, Mexico raised the issue of the policy on privatization. Last year, at the rightful insistence of the Council, after long negotiations, we finally agreed on a concept for how privatization can work in Kosovo, taking into account, first, the fact that the issue of status has not been solved and, secondly, the fact that no one knows who owns socially-owned companies.

There are all sorts of legal opinions from lawyers. Our conviction was that if we waited until the question was clarified, all assets in the form of socially-owned companies would be stripped and there would no longer be any assets. We had to react. We had to start privatization.

We therefore had the legislation that was agreed upon by lawyers from United Nations Headquarters, the European Commission and the World Bank. We have a concept that takes care of the interests of the potential owners of socially-owned companies and which respects the fact that the issue of status is not solved. However, privatization must provide an answer to the question of what happens to the land used by socially-owned companies. There cannot be privatization if no answer is provided on how land is to be used, because that is the most valuable asset. We have discussed this very difficult question with lawyers of the European Commission, the World Bank and, of course, United Nations Headquarters. We arrived at a concept affirming that there would be no transfer of land when carrying out privatization, but that it would be done in the form of 99-year leases. Economically, that represents the same value as a property transfer, but it still respects the fact that the issue of ownership has not been resolved and still respects the residual property rights of the potential owner, whom we do not know.

Privatization without addressing what is done with the land on which a socially owned company is sitting is not privatization. It makes no sense. No one buys a company whose land cannot be used. It has no value without the land. So we had to address that, and we have addressed it in a way that, I think, is satisfactorily under the legal requirements and the ownership requirements of potential owners. Andy Bearpark, the pillar leader, was in Belgrade; we discussed this with the responsible minister of the Government in Belgrade and there was agreement on it.

The final concept, before we issued the regulation, was voted on by the Board of the Kosovo Trust Agency, which is responsible there. All ethnicities are represented on that Board, including a Kosovo Serb representative. They all voted in favour, including the Kosovo Serb Minister for Agriculture, who is the Serb representative. We did this in full transparency and in a way that can work, if one really wants to have privatization.

Let me also address the point mentioned by the Russian representative concerning an article in *Bota Sot*, one of the newspapers there. It was an atrocious article, which alleged that Russia might be behind the Obilic murders, which, of course, was absurd. We reacted to that. We have a Media Commissioner. The Media Commissioner called in the newspaper *Bota Sot*. What has consequently happened is that the author of the article is not writing anymore and has been fired from *Bota Sot*, and the newspaper has officially apologized for the article. So our interest is, of course, if we have incidents like that — violations of fundamental rules of behaviour — that the Institutions should react; that there be an appropriate internal reaction. We had that in this case; the person who wrote the article was removed from the newspaper. The newspaper has officially apologized for the attack, and I hope that the representative of the Russian Federation will take note of that action. We were concerned, as he was. I also acted publicly when I saw that article.

At the end of my time in Kosovo and after this remarkable meeting of the Council, whose support from all sides I am very grateful to receive, let me make one final point.

What are the lessons to be drawn from what we are doing in these peacekeeping situations? What are the lessons that we can draw from Kosovo over the past four years? I think that the main lesson we can draw is that, if we do it right, it can be done. It will take a long time, but it can be done. One of the preconditions is that the parties should see that if we try to stay the course, despite the criticism from the various sides, we are supported by the international community, and in this case especially by the Security Council We are confronted by centrifugal forces on the ground, which is no surprise, because the parties have different views on Kosovo's future. In that situation, it is absolutely crucial for us to be able to say that we have the support of the international community. One cannot overestimate the power of general consensus coming from the central organ of the international community: the Security Council. That was my daily experience in Kosovo and throughout the region. That is, in the end, our real strength as a mission on the ground, because, in the end, we are an instrument of the Security Council and we are there to execute its policy and attain its goals.

I think what concerns the international community and those who guide us and who have

dispatched us — and I think this is the most important lesson — is that, if you start to do something, you have to finish it. In that sense, I would be very grateful if the Council would extend to my successor and to the members of this mission, who work hard on the ground — and no one sees what happens on Saturdays, Sundays and holidays, under circumstances that are not the best, as is known — the support given to me during this year and a half to my successor and the mission.

The President (*spoke in Spanish*): I thank Mr. Steiner for his clarifications and thoughts offered at the end.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.30 p.m.

United Nations S/PV.4783

Security Council

Fifty-eighth year

Provisional

4783rd meeting

Thursday, 3 July 2003, 12.30 p.m.

New York

President:	Mr. Arias	(Spain)
Members:	Angola	Mr. Lucas
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mrs. D'Achon
	Germany	Mr. Pleuger
	Guinea	Mr. Boubacar Diallo
	Mexico	Mrs. Arce de Jeannet
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Gatilov
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Rosenblatt

Agenda

The situation between Iraq and Kuwait

Report of the Secretary-General on the activities of the United Nations Iraq-Kuwait Observation Mission (S/2003/656)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-41603 (E)

The meeting was called to order at 12.30 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Report of the Secretary-General on the activities of the United Nations Iraq-Kuwait Observation Mission (S/2003/656)

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission (S/2003/656).

Members of the Council also have before them document S/2003/684, which contains the text of a draft resolution prepared in the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Spanish*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1490 (2003).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 12.35 p.m.

United Nations S/PV.4784

Security Council

Fifty-eighth year

Provisional

4784th meeting

Monday, 7 July 2003, 10 a.m.

New York

President:	Mr. Arias	(Spain)
Members:	Angola	Mr. Lucas
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Boubacar Diallo
	Mexico	Mr. Pujalte
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Konuzin
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Williamson

Agenda

The situation concerning the Democratic Republic of the Congo

Letter dated 25 June 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/674).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-41821 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Letter dated 25 June 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/674)

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which she requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mrs. Booto (Democratic Republic of the Congo) took a seat at the Council table.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Bertrand Gangapersaud Ramcharan, United Nations Deputy High Commissioner for Human Rights and Officer-in-Charge of the Office of the High Commissioner for Human Rights.

There being no objection, it is so decided.

I invite Mr. Ramcharan to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to a letter dated 25 June 2003 from the Secretary-General addressed to the President of the Security Council transmitting two reports from the High Commissioner for Human Rights and the United Nations Organization Mission in the Democratic Republic of the Congo regarding the events of 3 April 2003 in Drodro and the events that took place between 31 December 2002 and 20 January 2003 in Mambasa, respectively. Photocopies of the two reports have been circulated informally to members of the Security Council. That letter and its annexes will be issued as a document of the Security Council under the symbol S/2003/674.

At this meeting, the Council will hear briefings by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and by Mr. Bertrand Gangapersaud Ramcharan, Deputy High Commissioner for Human Rights and Officer-in-Charge of the Office of the High Commissioner for Human Rights.

I give the floor to Mr. Guéhenno.

Mr. Guéhenno: As Council members are aware, we are meeting today to discuss two reports on the situation in the region of Ituri, the Democratic Republic of the Congo, and specifically in the areas of Mambasa and Drodro. Those reports have been distributed to the members of the Security Council. While Deputy High Commissioner Ramcharan will shed further light on those reports, as well as outline some of the recommendations emanating from them, I would like to draw the attention of the Council to the broader trends that led to the violations in Ituri, as well as to provide an update on recent developments in the Democratic Republic of the Congo since our last briefing to the Security Council, on 26 June. I shall turn first to the reports.

The Mambasa report covers events that took place between October and December 2002, and relates to atrocities committed by the Mouvement pour la libération du Congo (MLC), the Rassemblement congolais pour la démocratie — National (RCD-N) and

the Union des patriotes congolais (UPC); while the report on events in and around Drodro relates to April 2003, when atrocities were committed, in particular by Lendu combatants, as well as possibly others. For some time now, in successive updates before the Security Council, the Secretariat has made Member States aware of the ongoing violence in the Ituri region, where issues of economic necessity and sustenance, land and exploitation of natural resources have been fuelled by the ambition of local and external players alike to dominate the region.

The political context for the events described includes not only the issues I have just described, but also the relative isolation of Ituri from the national context, where the perpetrators that are committing the crimes can be brought to justice. The total breakdown of law and order that afflicts Ituri means that no one, including those who were "tried" by the MLC authorities in Gbadolite, is in fact held accountable for his or her actions. The Security Council has often before condemned such impunity.

It is hoped that, with the installation of the transitional Government in Kinshasa, those who are guilty will be brought to justice. However, this can happen only if there is a degree of centralized control in the administration of justice and in the rule of law sector. The Democratic Republic of the Congo desperately needs an institutional framework whereby those guilty of crimes are held accountable. Under the All-Inclusive Agreement signed on 17 December 2002, a National Truth and Reconciliation Commission, as well as a National Observatory for Human Rights, are to be established. It would be crucial for the international community to support the work of those organs.

As outlined in the second special report of the Secretary-General in document S/2003/566 of 27 May, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) will collaborate closely with the soon-to-be-installed Government of the Democratic Republic of the Congo in the establishment and functioning of these vital institutions.

Turning towards the political scene, Security Council members are aware that the delay in agreement on the distribution of the military command posts, which had delayed the installation of the transitional Government, was finally resolved on 29 June with the mediation of Special Envoy Niasse, General Baril and the Government of South Africa. The parties agreed, under the provisions of the Second Memorandum on the Army and Security signed that day, that the position of the Chef d'Etat-Major Général would be allocated to the Government of the Democratic Republic of the Congo; the Chef d'Etat-Major Administration and the Chef des Forces Navales would be awarded to the MLC; and both Chef d'Etat-Major Logistique and Chef des Forces Terrestres would be from the RCD-Goma. Subsequently, on 30 June in Mbandaka, President Kabila issued a decree announcing the composition of the transitional Government, which would consist of 36 ministers and 25 deputy ministers representing the various components of the inter-Congolese dialogue. In a statement marking the occasion, the Secretary-General has welcomed the announcement of the new Government and has pledged the support of the United Nations.

The next steps are the swearing-in of the four vice-presidents and the first meeting of the Council of Ministers, at which point the new Government will formally commence its work. MONUC is closely consulting with the parties in order to ensure that the security concerns of the political leaders, especially the MLC and the RCD-Goma, are addressed. It is, of course, critical that all leaders arrive in Kinshasa in order to ensure a successful commencement. In this regard, members of the new transitional Government have already begun to arrive in Kinshasa. MONUC is gearing up to facilitate the arrival of the parliamentarians and senators from all over the country.

Turning to the Kivus, following the earlier signing in Bujumbura on 19 June of the Acte d'Engagement for a cessation of hostilities, the Government of the Democratic Republic of the Congo, the RCD-Kisangani-Mouvement de Libération (K/ML) and the RCD-Goma met in Beni on 26 June, under the mediation of MONUC, and established a "Mission de Vérification Conjointe" (MVC) to verify the withdrawal of the RCD-Goma to 15 kilometres south of their positions at Rwese and Kimbulu, as well as the maintenance of the current positions of the RCD-K/ML and the cantonment of Congolese Armed Forces (FAC) troops at Mavivi.

According to initial assessments by MONUC, FAC, RCD-K/ML and RCD-Goma have largely complied with the first phase of the agreed ceasefire

and withdrawal, although RCD-Goma only participated in the MVC for the first time on 4 July. Proposals for further withdrawals and verification procedures have been put to the three parties and will be discussed at a meeting of the MVC on 7 and 8 July. The Armée patriotique congolaise, the military wing of the RCD-K/ML, launched operations on 2-4 July to disarm the Mayi Mayi in Beni and Butembo so as to prevent them from destabilizing the ceasefire.

(*spoke in French*)

I shall now discuss the situation in Ituri and particularly in Bunia. The security situation in Bunia is now stable and the Interim Emergency Multinational Force (IEMF), together with the MONUC contingent, continues to patrol the town, which was declared a weapons-free zone as of 25 June. While the UPC has redeployed its troops to the exterior of the town, the presence of soldiers in civilian garb cannot be ruled out.

In the meantime, some 6,000 internally displaced persons, most of whom are apparently original residents of the town, have returned from camps and outlying areas. One discouraging factor remains the illegal occupation by UPC elements of the private homes of those wishing to return. The IEMF and MONUC are also facilitating the return to town of Lendu inhabitants, including their political representatives. In this connection, on 29 June, MONUC escorted the reconnaissance mission of various United Nations and other agencies and non-governmental organizations to Lendu-held areas 20 kilometres south of Bunia. Members of the Ituri interim administration also accompanied the mission to increase their political outreach beyond Bunia. More such missions, within a 40 to 50 kilometres radius of Bunia, are envisaged.

The local radio station in Bunia, Radio Candip, continues to be controlled by the UPC. MONUC, under a plan coordinated with the Ituri interim administration, is guarding the radio premises in order to ensure that the facilities are eventually controlled by the Ituri interim administration and not used as a tool to spread propaganda or messages inciting hatred.

As Council members are aware, the rationale behind an enhanced security presence in Bunia has been to create sufficient political space for the Ituri interim administration to establish itself on a firmer footing. The administration is now taking a more proactive stance in implementing its mandate and has appointed a mayor for Bunia and started to deploy its local civilian police — albeit in small numbers — to key areas in the town, in coordination with MONUC. However, it must be recognized that establishing full authority and competencies of the interim administration will be a long-term process. In cooperation with the United Nations Development Programme, the Office for the Coordination of Humanitarian Affairs and humanitarian agencies, MONUC and the Department of Peacekeeping Operations have drawn up a strategy for Ituri to guide and coordinate the activities of United Nations agencies and their partners, focusing first on humanitarian assistance to Bunia. This plan has been finalized and will assist all those involved in assistance to the region to expand that aid through the Ituri Interim Administration. The plan will be conveyed to Security Council members and all other potential donors within the week, with a request for assistance. It is a supplement to MONUC's efforts to support cooperation with the Ituri Interim Administration.

All efforts are now being made to ensure that the second task force will be deployed in Bunia by 15 August 2003, to allow a handover period of about two weeks with the IEMF. The Department of Peacekeeping Operations is also consulting potential troop-contributing countries with regard to the final composition of the Ituri brigade, which was proposed in the second special report of the Secretary-General of 27 May 2003 (S/2003/566) in anticipation of a decision by the Security Council.

Finally, let me add that the Special Representative of the Secretary-General, Mr. Swing, has now arrived in the Congo and visited Bunia over the weekend to personally assess the situation.

In conclusion, let me stress that the deployment of a strong multinational force in Bunia has begun to change the balance between the warring parties and the legitimate political actors in that part of the Congo. The main beneficiaries are the thousands of civilians who may finally be able to return to their homes and resume their lives under normal conditions of security.

In this regard, it is crucial that the brigade-size force recommended by the Secretary-General to replace the Multinational Force in Bunia, and later to be deployed in the Ituri area as well, be configured with enough strength and deployed under such

conditions so that it can build on the already achieved results of the stabilizing presence of the Multinational Force. At the same time, we are fully cognizant that Bunia, like Ituri, will require the sustained attention of the international community.

As the Secretariat has often indicated to the Council, there must be continued international pressure on the parties to convince them that a political transitional process is the only option available to them. In this context, the need for accountability on the part of those who have been responsible for crimes must also be considered. It is an axiom that peace cannot be re-established, there cannot be any real peace, without an end to impunity. I wish to invite the Security Council to consider additional steps that may be taken to help the authorities of the Democratic Republic of the Congo to develop the capacity of that State so that there is a functioning justice system, so that those who should be held accountable are held accountable, with the aid of the international community.

The President *(spoke in Spanish)*: The next speaker is the Deputy High Commissioner for Human Rights, Mr. Bertrand Gangapersaud Ramacharan.

Mr. Ramacharan: The defence of human rights is one of the activities that define the contemporary and future United Nations. No other body can replace the United Nations for universality, legitimacy, trust and its international code of human rights. The United Nations mirrors the world while beckoning it to the values of the Charter and the Universal Declaration of Human Rights.

Every country has ground to cover when it comes to respect for the Universal Declaration of Human Rights. The human rights mission of the United Nations is central to its raison d'être and is becoming more and more crucial to its other leading roles, as well as to the work of this Council.

The United Nations, through the Security Council, seeks to prevent conflicts worldwide. This is an irreplaceable role. In a recent work on the Security Council and the protection of human rights, I sought to show that the Council places increasing emphasis on the promotion and protection of human rights for the prevention of conflicts. I will have the opportunity to present the President with a copy of this book this morning.

In different parts of the world, United Nations peacemakers are endeavouring to help find solutions to disputes and conflicts. No one else cares as much as the United Nations, which seeks to be of assistance, whatever the colour or stripe of the nation. The peacemaking flag of the United Nations, more and more, has on it the eternal flame of the Universal Declaration of Human Rights. As the Council has advised on more than one occasion, peacemaking and human rights must go hand in hand, the primordial nature of the right to life is recognized. The nexus between peace and justice is the right to life.

Another role that defines the United Nations is peacekeeping and peace observation. The Security Council has registered that United Nations peacekeeping operations must contribute to the protection and promotion of human rights. The Council has also given central place to human rights in United Nations peace-building missions.

The humanitarian work of the United Nations singles it out as a conscience-bearer for suffering humanity. More and more, United Nations humanitarian and human rights endeavours are integrated. It can only be so, for the principle of the protection of human rights is grounded in the principle of humanity.

The United Nations works with countries worldwide on practical projects of development, governance, democracy-building and the rule of law. Countries and people trust the United Nations worldwide. They see it as their Organization. This extraordinary legitimacy is shared by no other institution or entity, and human rights are integrated into all of its roles. Increasingly, the emphasis is on strengthening national human rights protection systems and institutions.

The United Nations, and the Security Council, seek to direct the spotlight to the protection of civilians in armed conflict, the protection of women and children and new security challenges such as HIV/AIDS. The concept and content of security is thus evolving. This Council has registered that the security of nations depends on the security of people. Human security is defined by the international human rights norms, which give it content. The issue before us today is how to bring human security, through human rights, to the long-suffering people of the Democratic Republic of the Congo.

(*spoke in French*)

I thank the Council for having invited me to join my colleague, Jean-Marie Guéhenno, in order to introduce the report of the Office of the United Nations High Commissioner for Human Rights concerning the events that occurred on 3 April 2003 in the locality of Drodro, in Ituri, Democratic Republic of the Congo. The presentation of the report also offers us the opportunity to take a quick look at the persistent violations of human rights and of international humanitarian law in that region.

The report before members is a response to the 8 April 2003 statement by the President of the Security Council strongly condemning the massacres committed at Drodro, in the Ituri district, and requesting the Office of the High Commissioner for Human Rights to investigate those events and to report on them as soon as possible. This report is the result of an investigation on the ground carried out on 5 April 2003 by the Office of the High Commissioner for Human Rights in close cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), supplemented with information gathered by a follow-up mission comprising officials of the Office of the High Commissioner for Human Rights, MONUC staff and two legal experts, who visited Drodro and surrounding areas from 18 April to 5 May 2003. The report of that multidisciplinary team highlights the gravity and the systematic nature of the atrocities and human rights violations that the populations of this province of the Democratic Republic of the Congo have constantly endured in recent months. It also contains several observations that I should like to bring to the Council's attention.

Bordering Uganda, the Ituri district is today one of the most unstable provinces of the Democratic Republic of the Congo. Since the eruption of the conflict in the Democratic Republic of the Congo, in August 1998, and particularly since a split appeared within the Rassemblement Congolais pour la démocratie-Kisangani/Mouvement de libération (RCD-K/ML), which led to the creation of the Union des patriotes congolais (UPC) approximately a year ago, this district of Orientale province has been the scene of devastating violence and of deadly clashes among dissident factions, self-defence groups of an ethnic nature and tribal militias.

The deadly violence that afflicts the populations of this region of the Democratic Republic of the Congo proceeds from an ideology of exclusion, from hatred and from the exacerbation of tribal and ethnic cleavages and antagonisms. That violence and the tension to which it gives rise have been stirred up recently by several factors: the absence of a credible and effective administration in Ituri; the presence of foreign troops; the value of the enormous natural resources, which gives rise to greed; power struggles between local leaders seeking to position themselves on the national political scene; and disputes over land ownership and resources.

The impact of such a conflict affects the enjoyment of the majority of the rights set out in the Universal Declaration of Human Rights and in subsequent international instruments relating to human rights. The human rights violations to which I shall refer today are massive and systematic, and they require particular attention.

(*spoke in English*)

On two previous occasions, the Office of the High Commissioner for Human Rights has briefed the Security Council on the grievous violations of human rights occurring in the Democratic Republic of the Congo. Those briefings were focused mainly on the Ituri area. However, as the Council is aware, numerous cases of atrocities and of pervasive violations of human rights and international humanitarian law have taken place in other parts of the country and deserve to be investigated. That has not been possible for a number of reasons, including the security situation prevailing in some of the areas and a lack of cooperation and of adequate financial resources for undertaking such an important task.

As members know, the events which took place in Drodro and in its surrounding areas on 3 April 2003 are part of a continuing chain of inter-ethnic violence, confrontations between armed militias and rivalries among dissident armed groups and rebel factions. Eyewitness reports gathered by our investigative mission revealed that the gross and large-scale violations of human rights perpetrated during the events of 3 April 2003 included assaults on lives, torture, looting and the destruction of property. The most shocking violations of human rights reported by witnesses include some 408 cases of summary executions, more than 80 cases of persons seriously

wounded or mutilated, and numerous accounts of stores and shops looted. During those events, huts were burned down, dozens of cattle were stolen, and valuable items found in houses were taken by the assailants. In the main hospital in Drodro, which the investigative team visited, 48 bodies were identified, most of which were those of women and children.

The team of investigators also visited mass graves in the localities of Largu, Nyali and Jissa. In Jissa alone, there were 20 mass graves, although the mission could visit only eight of them. According to witnesses' accounts, those graves contain some 140 bodies. It should be noted that the number of persons killed in that area is certainly higher, because the team was not able to visit eight other localities for which no safety guarantees could be provided.

According to information communicated to the investigating team, the majority of the victims were women and children, some of whom had been killed and mutilated with machetes, while others had been burned alive. Most of that information was confirmed by the forensic experts who participated in the investigative mission following their examination of some of the graves.

In view of all the relevant information gathered — including the conclusions of the forensic experts — the team confirmed that massacres had taken place on 3 April 2003 between 5.45 and 8 a.m. The assailants carried out their attacks in the localities of Dhessa, Duma, Nyali, Dzatha, Kiza, Ngazba, Jissa, Kpatiz, Koli, Lera, Buki, Ndjala and Kpaluba using edged weapons — machetes, axes, spears and arrows — and firearms. Allow me to interject here that we are not speaking of ordinary killings in the course of a conflict; we are talking about events that shock the human conscience.

The opinion of many witnesses confirmed that the authors of the massacres were militias of Lendu origin. The world's conscience has been struck by the pervasive use of child combatants in committing these atrocities. The events at Drodro and in the 15 surrounding localities have had a terrible impact on the vulnerable populations in that part of the Democratic Republic of the Congo. It is estimated that 55,000 people fled towards the south when the bloody confrontations between the Lendu and Hema militias broke out in early May 2003. The survivors of those massacres were forced by the lack of security to flee at night to major urban centres or into the forest.

Following the completion of the investigative mission, our office in the Democratic Republic of the Congo has, in collaboration with MONUC, continued to monitor closely the events that occurred more recently in Ituri. The information gathered to date points to continuing fighting between the Lendu and Hema militias, resulting in further serious human rights abuses, massive displacements of the civilian population and deterioration of the humanitarian situation.

It was reported that in Tchomya, on 31 May and 1 June 2003, fighting broke out again between the Lendu and Hema militias, allegedly with the involvement of elements of the Congolese Armed Forces. At least 350 casualties, mainly civilians, were recorded as a result of the incident. The victims included 253 people who were assaulted in the commercial centre of the town, 22 victims at the residence of the head of the Party for the Unity and Safeguard of the Integrity of the Congo, and 37 victims that had their throats cut and were hacked with machetes at the town hospital.

We also received reports on the attacks launched on 7 June 2003 by militias of Lendu origin in Tchomya, Kasenyi and the town of Bunia, which resulted in the killing of between 300 and 500 individuals. Furthermore, on 18 June 2003, several mass graves were discovered at the residence of the Governor of Bunia.

In addition to summary executions, the confrontations and resulting violence have led to arbitrary arrests, abductions, rapes and the wanton destruction of lives and property. The number of displaced persons has risen to 74,000. The majority of the displaced persons are located in the area surrounding the Bunia airport and the premises occupied by the MONUC military observers. That population continues to face severe problems of health, food and access to school, which the humanitarian agencies are trying to address.

As members of the Council know, the portions of the report of the Council's mission to Central Africa from 7 to 16 June 2003 (S/2003/653) that relate to the Democratic Republic of the Congo affirm substantially the findings that we highlighted in the Drodro and earlier reports. In line with the recommendations of the Council's mission, the Office of the United Nations

High Commissioner for Human Rights and MONUC are engaged in consultations and discussions with relevant actors, aimed at assisting the national transitional institutions in putting an end to impunity, reconstructing the justice system and adopting the related transitional justice arrangements for rebuilding the rule of law.

The Office of the United Nations High Commissioner for Human Rights and MONUC have reiterated their commitment to supporting the establishment and effective functioning of the relevant national institutions, particularly the National Observatory for Human Rights and the National Truth and Reconciliation Commission — the creation of which is envisaged by the All-inclusive Agreement — as well as the Ituri Pacification Commission.

This is the third time in a year that the Office of the United Nations High Commissioner for Human Rights has been given the opportunity to brief the Security Council regarding some of the cases of atrocities and dreadful human rights violations perpetrated in the Democratic Republic of the Congo. The frequency of these briefings is in itself a clear indication of the very serious and continuous nature of human rights violations occurring in the country, and reflects the Council's recognition of that.

Our Office has had the opportunity to share with the Council information and reports regarding the human rights situation, whose patterns have been similar since the outbreak of the conflict in August 1998. Three conclusions stand out. Allow me to reiterate those conclusions in furtherance of the conclusions contained in paragraphs 26 and 28 of the Security Council mission's report.

The first conclusion is that all the parties, but particularly the rebel movements, rival factions and other armed groups and militias operating in the eastern part of the Democratic Republic of the Congo, continue to resort to human rights violations as a means of creating an atmosphere of terror and oppression and, thus, of keeping their control over the population and lucrative natural resources.

The second conclusion is that insecurity and terror, as well as the lack of cooperation from the parties, have made it impossible to initiate thorough and comprehensive investigations aimed at shedding light on many cases of mass killings and other gross human rights violations that have occurred in various parts of the Democratic Republic of the Congo. Generally, the warring parties are not committed to fulfilling their obligations under international law to investigate responsibility for serious violations of human rights and breaches of humanitarian law and to prosecute those responsible for the atrocities committed. Consequently, the interests of justice can be served only by providing both national and international mechanisms with opportunities to investigate those crimes in depth in order to determine their extent and motivation.

The third conclusion is that failure to take the necessary concrete action towards ending the reign of impunity in the Democratic Republic of the Congo will encourage the perception of the international community's passivity and double standards regarding serious and grave human rights violations. That will further nurture the existing feeling among the civilian population that there is a denial of justice, which will contribute to the cycle of reprisals and the culture of impunity.

On 16 May 2003, the Prosecutor of the International Criminal Court, Mr. Luis Moreno Ocampo, visited our office in Geneva to discuss possible areas of collaboration. We raised the situation in the Democratic Republic of the Congo and discussed it with him. We in the Office of the United Nations High Commissioner for Human Rights stressed that the human rights violations that have taken place in various parts of the country, particularly those perpetrated in Ituri, should be investigated as quickly as possible. Our Office stands ready to pursue close cooperation with the International Criminal Court in any effort that might be pursued regarding events in the Democratic Republic of the Congo.

With all humility, I propose that parallel to those efforts, the Security Council may wish to consider taking appropriate action on the serious violations of human rights and international humanitarian law perpetrated in the Democratic Republic of Congo, taking into account the relevance of the International Criminal Court.

We in the Office of the High Commissioner also very much hope that the National Observatory for Human Rights and the National Truth and Reconciliation Commission — which we hope will soon be established — will serve, and interact in a constructive way with, the goal of encouraging the

transitional Government to confront the culture of impunity. Perpetrators of gross human rights violations must be put on notice that they will be brought to justice.

I have been in the human rights business for a lifetime, and I have been in the United Nations for 30 years. If there is one thing of which I am convinced, it is that the threat of justice to those who commit serious violations of human rights is one of the means that we have at our disposal and one of the means that we must be willing to use.

At the beginning of these remarks, I noted that the Council's practice places increasing emphasis on the centrality of human rights in conflict prevention, in peacemaking, peacekeeping, peace-building and humanitarian and development work. The Council has also stood up for the principles of international accountability, international supervision, reconciliation and justice.

I should like to end by placing particular emphasis on the principles of international accountability and international supervision. Any situation on which the Security Council has pronounced itself calls for application of the principles of international accountability and supervision. The Council must be satisfied that peace and justice have been served in the final analysis. This invites, particularly in the case of the Democratic Republic of the Congo, the principle of special and sustained interest that you have indeed been applying — special and sustained interest. I spent nearly four years in peacemaking and peacekeeping in the former Yugoslavia. We said the conflict there was one of the largest since the Second World War. We know that the conflict in the Democratic Republic of the Congo has led to the loss of millions of lives. Therefore, the principle of special and sustained interest must be applicable in this situation.

I have one final comment, if I may. In the reports the Council considers today, there is incontrovertible evidence pointing to the criminal responsibility of particular individuals. They must know from this Council that they will be brought to justice. They must know from this Council that the Democratic Republic of the Congo of the future will be built on the foundations of human rights. For this is the essence of the United Nations, and this is the essence of the Security Council. In the final analysis, human rights are the measure, and international security must be achieved through human security.

(*spoke in Spanish*)

In conclusion, I would like to thank you, Mr. President, and the Council members for having given me the opportunity to speak before you today. I have studied the role played by the Council in the protection of human rights, and this morning I would like to take the opportunity to present to you a copy of the book that I recently wrote on this topic. As you will understand, it is an honour for me to appear before you today and to speak on the subject of human rights. For me, justice is primordial.

The President (*spoke in Spanish*): I thank Mr. Ramcharan for the information he has given to the Council and for the book that he has provided, which seems to be an in-depth and very interesting study on this critical subject. As he has said, justice is of the greatest interest.

Mr. Konuzin (*spoke in Russian*): We are grateful to Under-Secretary-General Guéhenno and the Deputy High Commissioner for Human Rights for the detailed briefings they have given us on the situation in the Democratic Republic of the Congo.

The agreement between the parties to the conflict and the establishment of the transitional Government give us hope that this will help lead to a settlement in the Democratic Republic of the Congo, to the establishment of Government control throughout the territory of the country, and to recovery for a country that has suffered so greatly.

The information provided on the human rights situation in the Congo is extremely disturbing. We cannot read the report of the United Nations High Commissioner for Human Rights about the events in Drodro and the report of the special investigation team on the events of Mambasa without feeling outrage. These documents are comparable to accounts of the most tragic events during the time of the Second World War.

Today it has become quite clear that acts of inhuman cruelty in Rwanda, the Democratic Republic of the Congo, Sierra Leone and Liberia are a new challenge to peace and security in Africa. Mass human rights violations, violations of the norms of international humanitarian law and inhumanity have all

become a constant and terrible feature of inter-African conflict.

In early June, a Security Council mission visited a number of States in Central Africa. We visited Bunia, where we had a meeting with representatives of international humanitarian organizations. Those people — who are so truly committed, who are living in the most dreadful conditions of civil war in the Congo — said to us that they are able to operate only within a radius of 200 metres. Every day they are working to try to save people who are very close to that invisible line dividing life from death. They asked us what we could do to put an end to the carnage and to ensure that crimes against humanity do not go unpunished. We promised them that we would raise this matter wherever we could. We did raise it in Central Africa, and it was brought up constantly in the very recent Security Council mission to West African countries.

I would ask those who can do so to tell to the humanitarian workers in the Congo and in other African countries that we have stood by our promise to raise this matter. But this in itself is not very much. What is needed is action. We were disturbed that the response to our appeal was less than what we might have expected. We kept raising the matter of child combatants. We raised this issue with heads of State, members of Governments, leaders of armed groups and factions. They all told us that they had absolutely nothing to do with it. But nobody seemed particularly willing to investigate and to try to put an end to the phenomenon. At times, there was the impression that we were talking about something that was not particularly crucial, something almost immaterial. But, there are child soldiers. We saw them. I myself saw 10-year old boys with automatic guns in Bunia. Somebody gave those boys guns. Somebody is commanding the child soldiers.

In our opinion, we need concrete, coordinated action in the subregion, on the ground. A major role can be played by regional organizations: the African Union, the Southern African Development Community (SADC), ECOWAS and the Economic and Monetary Community of Central Africa (CEMAC). It is extremely important that the Africans themselves become truly aware of the critical importance of this problem and really try to eliminate it.

I would like to ask a question: what can be done by African organizations to ensure the implementation of international conventions and of their own instruments on preventing mass human rights violations and violations of international humanitarian law during the current conflicts in Africa? How can the international community help them to do this?

Mr. Tidjani (Cameroon) (*spoke in French*): My delegation would like to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, for his briefing on recent developments regarding the political and military situation in the Democratic Republic of the Congo. We would also like to thank Mr. Bertrand Ramcharan, Deputy High Commissioner for Human Rights, for his comprehensive briefing on the human rights situation in the Democratic Republic of the Congo, especially in Drodro and Ituri.

On 13 February 2003 the Security Council heard a briefing by Mr. Sergio Vieira de Mello, who came to discuss the situation in Mambasa in particular. The information he gave us evoked great feeling and profound indignation. The information contained in the two reports provided to the Council this morning regarding atrocities — some of which were premeditated — is revolting, repugnant and shocking to the human conscience. How can we fail to be moved by the perpetuation into this century of organized massacres and torture on such a scale? Those acts included systematic and massive rape, sexual slavery, mutilation with sharp weapons and other inhumane and degrading punishment. I shall spare the Council a detailed description.

The conduct of the conflict in the Democratic Republic of the Congo since 1998 has been characterized by particularly large-scale violations of human rights and humanitarian law. Beyond the frightening figure of some 3 million victims of such crimes, it seems that this conflict has caused the largest number of deaths since the Second World War. I would like to emphasize that, as we heard earlier from Mr. Guéhenno and Mr. Ramcharan, civilians comprise the largest number of victims. This conflict clearly has stripped some actors of all humanity and fundamental human values. No interest at stake, no military goal, no strategy for reaching any objective can justify the inhumanity and barbarity that these two reports depict. My delegation firmly condemns such actions and calls upon all Congolese parties to return to sanity in order

that, with help from the international community, they can finally turn this sad page of their history and begin a new chapter of reason and hope.

In that regard, we welcome the establishment of a Government in the Democratic Republic of the Congo on 30 June, following the signing of a memorandum pertaining the army. That was a significant step forward that opens up new prospects for reconciliation, peace and justice in the country. All Congolese parties should now work together to restore trust, security and stability and to restart economic activity in the country. Those who are well acquainted with the Democratic Republic of the Congo know that this represents a major challenge whose success can be guaranteed only if three conditions are met: real political determination among the Congolese themselves, a significant and decisive commitment on the part of the United Nations, and a central role in the transition process for the principles of peace and justice.

It seems to us that all those guilty of flagrant violations human rights, criminal law and crimes against humanity during the conflict must necessarily be brought to justice before the appropriate judicial authorities in order that they may be held accountable for their crimes. Impunity must be steadfastly and firmly combated. In that regard, the Security Council may perhaps wish to consider urgently establishing a judicial mechanism capable of taking up the situation in the Democratic Republic of the Congo. For its part, Cameroon would favour setting up a national jurisdiction as part of the transitional institutions to which the international community would lend its full support in order to ensure its full effectiveness and complete adherence to the law. Such a jurisdiction would fall within the current dynamic of reconstituting a sovereign space for the Democratic Republic of the Congo and would contribute to the Congolese people's once again taking hold of their own destiny.

Last February, Mr. Vieira de Mello suggested to the Security Council the establishment of a truth and reconciliation mechanism in the Democratic Republic of the Congo that could serve to help the Congolese people to deal with the horrors and tragedies of the past, the memory of which continues to haunt them. I therefore welcome the imminent establishment of a truth and reconciliation commission. I likewise welcome the support of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in the establishment and operation of the commission.

All of these initiatives should be pursued in the context of an effective overall framework that includes a specific approach to the rights of the most vulnerable members of the population — women and children — who have been reduced to mere instruments of a savage war. I am also thinking of the consequences of collective rape vis-à-vis the spread of HIV/AIDS. Moreover, the existence of large numbers of displaced persons in the Democratic Republic of the Congo clearly indicates that specific measures are needed to improve access for humanitarian assistance to such persons. In that regard, it is up to the Congolese parties to assume the obligation to provide access to United Nations agencies and non-governmental organizations (NGOs) participating in the humanitarian effort. MONUC should assist them insofar as its mandate permits.

Turning to another subject, the programme for the disarmament, demobilization, reintegration and resettlement (DDRR) of combatants — the pace of which has not yet risen to the expectations and goals of the peace process — should be pursued with renewed vigour in order that it may contribute to the pacification of the Congolese political scene. We are aware of the complexity of the programme, but, as Mr. Kenzo Oshima noted during the meeting of the Security Council held on 20 June 2003, the programme is fundamental to protecting civilians, in particular during the transition to peace.

Speaking about the Democratic Republic of the Congo, Mr. Oshima called upon the Council to take measures towards voluntary disarmament in order to stop the violence against civilians and to thus stabilize the peace process in this war-torn country. We share that analysis. In that regard, we should consider the "Bunia without Weapons" operation established by the Emergency Multinational Force as part of its mandate under Chapter VII as a new approach to disarming armed militias. We would like to have Mr. Guéhenno's opinion in that regard.

My delegation welcomes the fact that the gender-specific component has been taken into account in the work of MONUC, whose personnel have been provided with training and advice about integrating the gender perspective into all aspects of their work.

With regard to children — traumatized victims of this conflict who will bear psychological, and perhaps even physical, scars for the rest of their lives — I wish to express the hope that the report of the Secretary-General incriminating virtually every Congolese movement will be viewed by the movements as a call to abide by international law. We also hope that United Nations agencies and the competent NGOs will address the state of these children, most of whom are orphans and/or combatants, with their traditional know-how. Cameroon reiterates its full support to them.

There is already cause for hope, namely, the participation of the Democratic Republic of the Congo in several international instruments pertaining to the protection of children. The demobilization of child soldiers and their reintegration into civilian life are thus key priority tasks that must be urgently taken up by the new transitional Government of national unity. That Government should be able to count on the support of the international community through MONUC, the High Commissioner for Human Rights, the International Committee of the Red Cross and other non-governmental organizations involved in the situation, which must provide it with all the assistance necessary for achieving its goals.

The Congolese people has suffered too much in its quest for peace. The international community is duty-bound decisively to demonstrate its solidarity with that people at this crucial moment, as the search for national reconciliation is beginning to bear fruit. Mr. Ramcharan has even spoken of international responsibilities and supervision.

Cameroon wishes urgently to appeal to the Democratic Republic of the Congo's neighbours to support the peace process in that country, to refrain from any act likely to undermine the transition, and to work to convince the rebel movements — over which they clearly have influence — to become part of the effort to rebuild the Democratic Republic of the Congo.

Finally, I address my delegation's encouragement to the Secretary-General, his Special Envoy to the Democratic Republic of the Congo and MONUC for their courageous work under sometimes extremely difficult circumstances. I also wish to congratulate Mr. Amos Namanga Ngongi, who has spared no effort at the head of MONUC, as he completes his mission. I further warmly welcome Ambassador Swing to his new post and wish him every success in the performance of his duties.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): I should like to thank you, Madam, for convening this meeting of the Council to consider the human rights situation in the Democratic Republic of the Congo. We thank Under-Secretary-General Guéhenno and Mr. Ramcharan, the Deputy High Commissioner for Human Rights, for their briefings on the human rights situation in the Democratic Republic of the Congo.

We have now returned from our mission to the Democratic Republic of the Congo, which was intended to strengthen the peace process and to convince all of the parties, local and international alike, of the need to comply with the Lusaka and Pretoria Agreements on the establishment of peace. The mission did indeed deal with these matters and, through Ambassador De La Sablière at the head of the mission and during the course of meetings with various factions and leaders, also sent the message that the massacres in Ituri will not go unpunished. We also noted that massacres, murders, abductions, rapes and the displacement of civilian populations and families are crimes which the international community, and the Security Council in particular, simply cannot tolerate.

Syria welcomes the establishment of the transitional Government incorporating the various factions in the Democratic Republic of the Congo under the All-Inclusive Agreement. It is our hope that this will prove to be an important step towards ending all the human rights violations in that country. We hope that the National Truth and Reconciliation Commission and the National Observatory for Human Rights will be able to begin their work and make it possible to put an end to such violations.

The reports introduced to us today on the crimes committed during the events in Mambasa evoke outrage and horror of those who could perpetrate such crimes.

I should like to ask Mr. Ramcharan a question. What are the local and international mechanisms and structures that might be deployed in the Democratic Republic of the Congo to bring to justice human rights violators and the perpetrators of the massacres described in the reports before us, in light of the establishment of the National Truth and Reconciliation

Commission and the National Observatory for Human Rights?

Mr. Lucas (Angola): We thank you, Madam, for scheduling this meeting on such a momentous question in international life, and to the Congolese people in particular. We thank Under-Secretary-General Guéhenno and Deputy High Commissioner for Human Rights Ramcharan for their briefings.

We shall comply with your request, Madam, and not deliver a statement. We shall reserve that for the occasion of the open debate on 18 July. However, before addressing a question to Mr. Ramcharan, we would like to make a brief comment.

The reports submitted to the Council on the events that took place in Mambasa and Drodro are very disturbing indeed. We cannot let this occasion pass without expressing our outrage at and strongest condemnation of such coarse violations of human rights. We convey our deepest-felt solidarity to the long-suffering people of the Democratic Republic of the Congo, victims of such indescribable acts of cowardice, and we strongly assert that the authors and instigators of these acts should by no means be allowed to go unpunished.

The question we would like to address to Mr. Ramcharan is the following: In the quest for peace in the Democratic Republic of the Congo, where in similar circumstances of civil strife elsewhere reconciliation and pardon have played an important political and psychological role — even leading sometimes to general amnesties — is it not possible that such crimes, such violations of human rights, will be forgotten and that justice may be sacrificed to superior political interests and die a widow, as has happened so often? What is the general position of the High Commissioner for Human Rights in such cases? What is the High Commissioner likely to do if such a trend emerges in the Democratic Republic of the Congo?

Mr. De La Sablière (France) (*spoke in French*): I, too, should like to begin by thanking Mr. Guéhenno and Mr. Ramcharan for their briefings. I pay tribute to the extremely difficult work being carried out by the human rights staff of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). I believe that they deserve such a tribute.

Without making a statement, as you requested, Madam, I shall first briefly address Mr. Guéhenno's comments on political developments and then I shall address the issue of human rights.

A few days ago, the Council rightly welcomed the settlement relating to the problem of armed forces, which opened the way for the establishment of the transitional Government at Kinshasa. This is an important step to which Mr. Guéhenno rightly referred. He spoke of his concern over the situation in Kivu and condemned what was happening there. He noted some interesting developments, for example, the completion of the first implementation phase of the agreed ceasefire and withdrawal following the meetings organized by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on 19 and 26 June 2003.

I shall offer a few comments on Bunia to highlight a point made by Mr. Guéhenno that I believe is important. First, the Interim Emergency Multinational Force (IEMF) has had the expected beneficial effect there. Despite logistical problems related to the airstrip being in poor condition, the force was deployed there more quickly than had been expected. The result has been a stabilization of the security situation and the start of the return of the civilian population.

Mr. Guéhenno said this has begun to change the balance between those with guns and the legitimate parties, namely the Ituri interim administration, which was acquiring a political space within which to operate. As Mr. Guéhenno said, the people who have benefited from this are the civilians. I am interested that a strategy has been developed to guide the activities of United Nations agencies and of other donors. I am also interested in the Secretariat's efforts to ensure that the IEMF can be replaced by a robust task force that will be deployed by 15 August 2003.

Turning now to human rights matters, the briefings by Mr. Ramcharan and Mr. Guéhenno were indeed devastating. We all remember what Ms. McAskie said before the Security Council mission visited the region. At the time, of course, establishing the truth about violations was the first essential step in order to provide assistance to the victims, and also in order to combat impunity. Mr. Ramcharan was correct to stress the importance of the fight against impunity.

This is what the Council and the Commission on Human Rights have often emphasized.

Before asking a few questions, I would like to comment on the recommendations. We agree it is essential that the transitional Government establish an appropriate judicial mechanism to ensure the prosecution of those responsible for serious human rights violations.

We also believe it is essential that those involved in violations not be given refuge anywhere. We further agree that fighting impunity means that the United Nations must also work on that basis. All United Nations bodies must consider how we can ensure that the fight against impunity will succeed. We agree that we should support the establishment of national mechanisms to promote and protect human rights in the Democratic Republic of the Congo as well as a National Truth and Reconciliation Commission, and the strengthening of the operational capacity of the judiciary.

As I read the reports I had three questions. First, in paragraph 29 of the report on the events at Drodro, it is recommended that we consider the possibility of sending an international investigation team at an appropriate time to Ituri and the eastern part of the country. What would be an appropriate time, in the view of the author of the report? Can Mr. Ramcharan be more specific?

Secondly, paragraph 30 refers to the possibility of human rights rapporteurs from the Commission on Human Rights carrying out a joint investigative mission. I wonder how such a joint mission by the special rapporteurs would be combined with the international investigation team.

Thirdly, would it be possible for military observers to report on human rights violations? And should not human rights observers enjoy some protection?

Mr. Pleuger (Germany): Let me thank Mr. Guéhenno and Mr. Ramcharan for their reports. We strongly welcome the second public meeting of the Council with the Office of the United Nations High Commissioner for Human Rights on the Democratic Republic of the Congo. We believe this dialogue between the Office and the Council should be maintained and fostered and that it can serve as a model for other items before us. These meetings also remind us of the fact that military action alone — as important as it might be in a given situation — will not achieve a lasting solution to a conflict. We need a comprehensive approach to security and human rights, and human rights are a central element of that approach.

The two reports confirm that some of the most horrendous human rights violations in recent history have been committed on a large scale in the Democratic Republic of the Congo. The reports will be crucial when it comes to bringing the perpetrators of these unspeakable crimes to justice. In our view, these reports are balanced and credible; they have to be the basis for action in order to make sure that these outrageous crimes must not go unpunished.

We regret that the investigation of the events in Drodro had to be cut short due to security constraints. It is indeed an abomination that a team investigating a recent massacre should have to leave in a hurry because of fresh massacres looming on the horizon. We welcome further investigations as soon as possible, as recommended in the report.

Horrible as the events in Ituri are, it is a sad truth that similar violations of human rights have occurred in other parts of the Democratic Republic of the Congo in the past years. The situation in the Kivus, for example, remains of grave concern to us.

The announcement of a transitional Government by President Kabila on 30 June 2003 is an important step towards democracy and peace, which we warmly welcome. The two reports before us today highlight the crucial importance of the establishment of the rule of law and of capacity-building in human rights. We urge the transitional institutions to make the rule of law and human rights a priority and to cooperate with the Office of the High Commissioner, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), whose human rights component the Council strengthened in resolution 1468 (2003), and other actors in the United Nations system in this regard.

We urge neighbouring countries to work with the transitional institutions in a cooperative spirit. Interference by neighbouring countries in the conflict must come to a complete end. They must no longer be part of the problem, but must become part of the solution to it.

In that context, I should like to pose a question to Mr. Ramcharan. What are the possible next steps to be undertaken in order to engage the Government of the Democratic Republic of the Congo and the external parties to the conflict, in particular Rwanda and Uganda? How does he view the possibility of taking further steps in that direction?

Germany supports the recommendations made in the reports before the Council today. The reports' call on all countries not to grant refuge to the perpetrators is highly important and requires our full support. In particular, we commend the High Commissioner's highlighting of the positive role of the International Criminal Court (ICC) in preventing impunity in the Democratic Republic of the Congo. We feel that this is a useful reminder to the Council that the ICC is emerging as an important mechanism to address conflict and post-conflict situations, and that concerns about the ICC's standards and impartiality are unfounded. The Democratic Republic of the Congo is a fellow State party to the ICC, and it is quite normal that the country should turn to the ICC to seek assistance in addressing the shortcomings of its judicial system. We encourage close cooperation between the new transitional institutions and the ICC.

We also join the call made by the High Commissioner and MONUC to the future transitional Government to establish a judicial mechanism to seek to punish perpetrators, as well as other mechanisms of transitional justice. That, however, will not be possible without assistance from the international community. Germany stands ready, and is willing to contribute to such efforts with a view to fostering democracy and the rule of law.

Mr. Muñoz (Chile) (*spoke in Spanish*): At the outset, I wish to express appreciation for the briefing by the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno, on the tragic events that occurred in Mambasa and for the briefing by Mr. Ramcharan, Deputy High Commissioner for Human Rights, on the events that occurred in the area of Drodro.

In a way, we have grown accustomed to information concerning grave violence and human rights violations in the north-eastern region of the Democratic Republic of the Congo. But the report, beginning with the capture of Mambasa by troops of the Mouvement de libération du Congo/Rassemblement congolais pour la démocratie-nationale (MLC/RCD-N), describes a new level of violence, a new level of cruelty. And that is why we wish to express our particular condemnation and concern with regard to the cruelty committed against the civilian population, especially women and children.

Moreover, the report's most serious aspect is that those human rights abuses were planned and coordinated by the military hierarchy of those rebel movements and have been a tool of war to spread fear and to displace populations. The report says that clearly. We read it carefully: several commanders and colonels promised days of looting that depended on military actions. There was planning and premeditation here, which I think it is important to emphasize. Therefore, the events that occurred at Mambasa and Drodro confirm the complex and grave situation of insecurity and violence that affects the region. And the fact that all of the rebel groups are recruiting minors to participate in military operations deserves our special attention.

With the goal of establishing justice and supporting the civilian population, the special team of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is proposing a series of recommendations that my delegation fully supports. The recommendation to provide psychological support to rape victims and to those who witnessed executions and other horrifying acts — children, especially, require urgent and special help — deserves our particular attention.

Therefore, my country values this opportunity to reiterate its most vigorous condemnation of these grave human rights violations perpetrated by various warring factions. We regret that we are witnessing these levels of violence at the beginning of the twenty-first century. We reaffirm the need to put an end to the cycle of impunity that persists in the region. Here, the challenge is to the international community, but also in a fundamental way to the Congolese themselves, particularly the transitional Government of the Democratic Republic of the Congo.

For our part, we believe it essential to strengthen MONUC's presence with a mandate that enables its troops to provide the necessary protection to the civilian population. We also consider it important that the Secretary-General establish a standing team within MONUC to investigate human rights violations.

In conclusion, we wish to ask Mr. Guéhenno and Mr. Ramcharan — along the lines of what several previous speakers, perhaps the representative of France in particular, have asked — their opinion about the real possibilities for the perpetrators and masterminds of the crimes described in the special report being brought to justice, and about the relevant mechanisms. One possibility could be a truth and reconciliation commission, but without prejudice with regard to the recommendations themselves, which mention cooperation with the International Criminal Court. I believe that issue is fundamental to preventing impunity and to ensuring that such acts never occur again in the future.

Mr. Khalid (Pakistan): My delegation also wishes to thank Mr. Guéhenno and Mr. Ramcharan for their very comprehensive briefings today.

The reports of horrendous atrocities committed in Ituri, in the Democratic Republic of the Congo, are highly disturbing, to say the least. We share the sentiments of outrage that have been expressed around this table, and we strongly believe that there should be no impunity for the perpetrators of such crimes.

The reports, nevertheless, strengthen the case for an expanded and robust presence of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in Ituri. Pakistan fully supports that proposal — made by the Secretary-General and others — and will continue to work with other Council members to translate it into reality. We also welcome the formation of the transitional Government in the Democratic Republic of the Congo, and we urge all parties concerned to fully abide by the agreements they have concluded.

But to those brief remarks, in deference to the President's request to make this an interactive session, I would just add the following questions. First, what are the prospects for convincing those factions which have agreed to participate in the transitional Government to lay down their arms and to begin work in earnest to form a unified national army?

Secondly, what will be the mechanism to prevent those combatants and commanders who have been involved in committing atrocities and other such heinous crimes from joining the national army?

My last question is addressed to Mr. Ramcharan: how does the United Nations High Commissioner for Human Rights wish to follow up on the findings of the Mambasa and Drodro studies in order to bring to justice the perpetrators of those crimes?

Mr. Zhang Yishan (China) (*spoke in Chinese*): First, I would like to thank Under-Secretary-General Guéhenno for his briefing on the situation in the Democratic Republic of the Congo. As usual, his briefing was very descriptive and clearly explained the situation on the ground. But I think the situation that he described today is different from what we have seen in the past. There have been some positive developments in the country, which we very much welcome. The transitional Government of the Democratic Republic of the Congo has finally been established. We sincerely hope that there will be a fresh start in the history of the Congolese people, and that that people will finally take the road to stability, independence and prosperity.

We would also like to thank the Deputy High Commissioner for Human Rights for his briefing. His account of the human rights situation in Mambasa and Drodro was truly shocking. Some of his recommendations deserve further, detailed study by the Council. Efforts to protect human rights need to be further strengthened.

As a member of the Security Council, I participated in the mission that visited the Democratic Republic of the Congo. I witnessed first-hand the poverty, instability, violence and violations of human rights. I also saw the child soldiers. Those children are really very young. Some are not even as tall as the weapons they carry. While visiting Bunia, we met with officials of the interim administration and members of non-governmental organizations present there. A woman said something that I found unforgettable. At the end of her statement, she pronounced two slogans. The first was "Long live the Democratic Republic of the Congo". That is easily understandable because, as a resident of the country, she naturally hopes that her country will become independent and prosperous. However, it was her second slogan that was most striking. She said, "Long live MONUC". Judging by that, we can see that the people of the Democratic Republic of the Congo have great confidence in, and expectations of, the United Nations and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). That is because MONUC has played a very good and positive role among that long-suffering people. It can undoubtedly provide warmth and security to people there. What that

woman said demonstrates that MONUC, by protecting human rights in the country, has played a very positive role. I think that her words are the best recognition of MONUC's work. Since MONUC has played such a positive role in the country, I would like to ask Under-Secretary-General Guéhenno to tell the Council what more MONUC can do to protect human rights among the people of that country.

Mr. Boubacar Diallo (Guinea) (*spoke in French*): My delegation too would like to thank Mr. Guéhenno for his update on recent political developments and Mr. Ramcharan for his moving account of the human rights situation in the Democratic Republic of the Congo. The way he described the numerous human rights violations and violations of international humanitarian law in Ituri, particularly in Mambasa and Drodro, amply demonstrate the extent of the atrocities that have been committed, generally due to ethnic hatred and greed for money and political power. My delegation believes that those reprehensible and deliberate acts must be investigated thoroughly and that their instigators and perpetrators must be punished according to their degree of responsibility.

We welcome the 30 June announcement of the establishment of the transitional Government of national unity in the Democratic Republic of the Congo. That is part of the commitment made to the Security Council during its recent mission to Central Africa. We believe that it can provide the beginning of a return to unity, reconciliation and peace in the country, which has suffered so much from years of senseless war.

On the issue of impunity, which the entire international community agrees must be put to an end, practical measures must be taken. In that context, my delegation believes, as Mr. Ramcharan has just said, that the Council should give its full attention to the swift establishment of the National Human Rights Observatory and the National Truth and Reconciliation Commission. The Governments of countries bordering the Democratic Republic of the Congo also have an important role to play, as they can exercise a positive influence on the various armed movements and groups that operate mainly in the north-eastern part of the country.

My delegation is convinced that with the establishment of the transitional Government of national unity, all Congolese people without exception will be able to overcome their differences in order to reach the essential goals of re-establishing national consensus, the return of peace and the development of their country, which has been so generously endowed with such great potential.

In conclusion, in connection with the question asked by the delegation of Pakistan, I would like to ask what practical medium- and long-term measures are envisaged by the Office of the United Nations High Commissioner for Human Rights in order to contribute to ensuring that there is no impunity for these numerous human rights violations?

Mr. King (United Kingdom): We are grateful for the reports before the Council and for today's briefing. We share the revulsion of others at the abuses we have heard described and at the lack of respect for human life that they represent. We have heard about rape and mutilation being used as weapons of war, and about pillage being used by armed groups as a means of sustaining their operations — in other words, as a means of continuing the conflict. That disregard for the ordinary people of the Congo seems to be common to all the parties to the conflict. It needs to stop.

As other speakers have underlined, we need to see an end to the culture of impunity. But human rights also carry a positive obligation, especially on those in authority. We need to see the development in the Democratic Republic of the Congo of a culture of dignity and respect for all, and it has to start at the top. The establishment of law and order, respect for human rights and justice must be top priorities for the transitional Government. The power-sharing arrangements of the new transitional Government need to work in the interest of all the people of the Democratic Republic of the Congo. We need to avoid a situation in which those arrangements become a new forum for conflict among the political elite.

Looking further ahead, the transition will need to lead to free and fair elections. The transitional Government needs from the start to create a culture of political freedom, freedom of expression and freedom of the media. Above all, all the Congolese parties need to listen to the people they seek to represent and respect their rights, needs and wishes.

We would be grateful for any further comments from Mr. Guéhenno and Mr. Ramcharan on how they see the monitoring of human rights being further strengthened — for example, involving civil society,

especially at the local level. More generally, how can we promote civil society involvement in the transition process? Also, as we have heard, some good efforts have been made to tackle gender-related issues, but is there more we can do, including through MONUC, to ensure that women play a full part in all these areas of the transition, as well as playing a wider role in government and development?

Mr. Raytchev (Bulgaria): At the outset, let me convey my delegation's gratitude to the Spanish presidency for the initiative taken in organizing this meeting. I would also like to join others in thanking Mr. Guéhenno, Under-Secretary-General for Peacekeeping Operations, and Mr. Ramcharan, Deputy United Nations High Commissioner for Human Rights, for their comprehensive and well-focused reports.

The reports have painted a picture that is of great concern to us. The human rights situation in the Democratic Republic of the Congo, in particular in the eastern part of the country, is deeply shocking. Like others, we strongly condemn the abominable massacres and other human rights abuses perpetrated in Ituri, as well as in other areas of the eastern part of the Democratic Republic of the Congo.

We share the view of the High Commissioner about the root causes of the situation in the country. Indeed, there is a vicious circle of massive violations of human rights and vengeance, strengthened by impunity. We agree that the future of the Democratic Republic of the Congo cannot be based on the culture of impunity. This is not only morally unacceptable, but, in addition, it could not contribute to the formation of stable transition institutions or to national reconciliation and long-term, sustainable peace.

It is of critical importance that those who are guilty of gross human rights violations are brought to justice. Bulgaria favours the recommendation of the High Commissioner for Human Rights proposing that the transitional authorities consider, as a matter of urgency, the setting up of an appropriate judicial mechanism with a view to bringing to trial the alleged perpetrators of massive human rights violations in Ituri and in other parts of the national territory.

The establishment of a truth and reconciliation commission, as well as the idea of a national observatory for human rights, could contribute significantly to furthering the peace process.

In our view, for the peace process in the Democratic Republic of the Congo to be sustainable, it is also necessary to establish it firmly on a solid human rights foundation. In this regard, we agree fully with the recommendation of the High Commissioner for Human Rights that the Security Council support the establishment of national institutions for the promotion and protection of human rights and the strengthening of the operational capacity of the judicial system throughout the country.

Finally, my delegation would welcome any further comments from Mr. Ramcharan and Mr. Guéhenno with regard to the concrete role that the Office of the High Commissioner for Human Rights, MONUC and the United Nations as a whole could play in lending assistance to transitional authorities in order to address the question of impunity.

Mr. Williamson (United States of America): I wish to thank the Deputy United Nations High Commissioner for Human Rights, Mr. Ramcharan, and Under-Secretary-General Jean-Marie Guéhenno for their briefings to the Security Council this morning on the situation in the Democratic Republic of the Congo.

The bloody, violent conflict in the Congo is tragic. For over three and a half years, there have been brutal killings, rape, pillage and looting. Innocent people have died at the hands of combatants and from disease, malnutrition and other consequences of war. Some estimate the death toll from this war at over 3 million people. Some of the worse acts imaginable, including cannibalism, have been committed. Women and children in particular have been victimized by this conflict. And for too many there has been a climate of impunity in which these vicious acts have been perpetrated. Frankly, the international community has been too slow and too timid to respond to these grievous crimes, and the leaders of the various fighting factions have failed in their responsibilities to end the excessive brutality of their forces.

Approximately one year ago, the Security Council was briefed by the then-United Nations High Commissioner for Human Rights, Mary Robinson, about the atrocities that took place in Kisangani in May 2002. The report was thorough, detailed and very useful. Security Council members, quite properly, were shocked and distressed by what we were told. The abuse of life and of human rights was appalling; the stories of beheading were repulsive. At that time, the

Council thanked the High Commissioner for her good work and strongly condemned the perpetrators of the awful acts in Kisangani, and it reiterated the critical principle that there can be no climate of impunity, that these crimes must stop and that those responsible must be held accountable.

Given these events and the Security Council's actions, it is disheartening and distressing that we have had to meet again and again on atrocities and terrible human rights abuses in the eastern Congo. In February, the Council met in formal session to hear the United Nations High Commissioner for Human Rights, Sergio Vieira de Mello, report on the catastrophic human rights situation in the Democratic Republic of the Congo. In his report, the High Commissioner included some of the preliminary findings regarding the atrocity committed in the Ituri district last fall by the Mouvement national de liberation du Congo (MLC) troops and their ally, the Rassemblement congolais pour la démocratie — National (RCD-N) rebel movement. At that time, the United States delegation listened with revulsion and profound sadness to the High Commissioner's descriptions of wanton acts of torture, rape, killing and cannibalism. The United Nations investigation confirmed that these atrocities were part of a systematic and horrifying campaign of atrocities committed against civilians in the forest of northeast Congo, with children among the victims. Apparently, rebels called their terror campaign "Operation Clean the Slate", and the operation was presented to the people almost like a vaccination campaign.

At that time, we expressed our condemnation of these horrendous acts, and I said in that Council meeting on 13 February:

> "What we have heard today about the catastrophic human rights situation in the Democratic Republic of the Congo, and the atrocities committed by various armed factions, tragically reaffirms that we must keep human rights at the centre of our efforts to foster a lasting peace and a new transitional Government in the Democratic Republic of the Congo." (*S/PV.4705, p. 8 and 9*)

For the more recent victims of brutality in the Congo, our rhetoric rings hollow and our actions insufficient. For now, five months later, we hear details of further atrocities committed elsewhere in the Congo. Last winter, Jean-Pierre Bemba, the leader of the MLC, promised to address the atrocities of Mambasa. He announced that his rebel group had arrested five of its own members, including its chief of operations in Ituri province, Lieutenant-Colonel Freddy Ngalimo. He said the five would face trial by rebel court.

The United States Government is very disappointed at the inadequate manner with which the MLC handled the trials of those suspected of committing atrocities in Mambasa. We fully share the assessment that those trials were gravely flawed. We are concerned about the inadequate legal rights afforded to the defendants in those trials and about the callous disregard for the serious nature of the crimes, as reflected in the light sentences handed down and in the failure to charge anyone with crimes against humanity or war crimes. The failures of those proceedings will not end the culture of impunity; sadly, those failures perpetuate that culture of impunity.

Just last week, the Security Council issued a press statement congratulating the Congolese parties on forming a transitional Government. The difficult issue of who will serve as minister for land resources and chief of staff of the Government appear to have been resolved. On 30 June at Mbandaka, President Kabila read out the complete list of ministers. By the end of July it is expected that the vice-presidents, the cabinet ministers and the members of the National Assembly will all be sworn in. The United States Government welcomed the announcement of the transitional Government, and we welcome the movement to put the transitional Government in place. We also welcome the compromise on military integration.

Furthermore, my delegation welcomes the report given by Under-Secretary-General Guéhenno this morning that verification efforts are taking place in the Ituri district, that Bunia was declared a weapons-free zone on 27 June, that 6,000 internally displaced persons have returned to Bunia, that the Ituri interim administration is being more active, and that the Ituri district seems stable. That is good news. My delegation also welcome's Mr. Guéhenno's report that the second task force will begin to deploy on 15 August and that the Multinational Force in Bunia has begun to shift the balance between the rebels and legitimate authority. That is very encouraging indeed.

But Deputy High Commissioner for Human Rights Ramcharan has given us yet another report of

gruesome crimes committed in the eastern Congo. This morning he told us that in early April at Drodro people were burned alive, that there were machete attacks in hospitals and that there are 20 mass-grave sites. Again we are repulsed by those acts of horrendous inhumanity. Again our conscience is aroused. Again we say there can be no culture of impunity. Yet those crimes against humanity continue and our words ring hollow.

The United States Government believes that the transitional national Government of the Democratic Republic of the Congo must take responsibility for ending the pervasive culture of impunity in that bloody, brutalized land. The tragedies of the past years must be addressed. As appropriate, we should assist the transitional national Government of the Democratic Republic of the Congo to achieve these goals by helping them to strengthen the nascent inclusive national Government.

A lesson in recent years is that transitional justice is very important for a post-conflict society hoping to move towards a secure, stable and sustainable peace. It is critical that there be no impunity. Accountability is essential. Gross human rights abuses cannot be brushed under the carpet. A full recording of these crimes is required, and the perpetrators must be identified and held to account. My delegation urges the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to assist non-governmental organizations and the United Nations High Commissioner for Human Rights in gathering documentary evidence of violations of international humanitarian law and of human rights in order to present these cases to the Congolese Ministry of Justice for prosecution.

A truth and reconciliation commission as described in paragraph 28 of the report on Drodro requires an effective and functioning Government. With the formation of the cabinet of the Democratic Republic of the Congo's transitional national Government at the end of June, that framework is in place. The Congolese parties who have agreed to work together must now show that their hearts and minds are committed to national reconciliation, and come to agreement on extending Government control throughout the country.

As I have already mentioned, on 16 July 2002 the Security Council received a report on the events in Kisangani of 14 and 15 May 2002. The recommendation made then that the authorities in Kisangani should take immediate steps to arrest those who ordered or were involved in extra-judicial killings has not been heeded, and violence continues. That is unacceptable. The people of Kisangani who were victimized deserve better. The people of the Congo deserve better.

The years of brutal and bloody conflict in the Democratic Republic of the Congo have exacted a terrible toll on millions of people. The goal of a Congo free from violence that is just, secure and sustainable can only be reached through meaningful transitional justice that leads to national reconciliation. That requires an end to the culture of impunity, as well as accountability and justice. International action can go only so far in addressing the human rights problems in the Democratic Republic of the Congo. The Congolese parties themselves must be sincere and active in addressing them. We call on the Congolese to take meaningful steps, beginning with expediting secure and unrestricted access by investigators and MONUC staff to areas of, and witnesses to, suspected human rights abuses and violations of international humanitarian law.

Mr. Pujalte (Mexico) (*spoke in Spanish*): I would first like to thank your delegation, Mr. President, for including on the Council's agenda such an important item relating to human rights in the Democratic Republic of the Congo. I would also like to thank Under-Secretary-General Guéhenno and Mr. Ramcharan for the very detailed information they have just given us.

My delegation has a few comments and questions in connection with this subject. First, the situation of human rights in the Democratic Republic of the Congo was already partly known thanks to the reports provided to the Council by the Secretariat itself and information emanating from non-governmental organizations and news agencies. If there is anything new in what we have heard it may be the now-confirmed reports of premeditated violence and the planning behind them. As every delegation to have spoken before me has pointed out, the violence will continue so long as we do not punish those responsible for these crimes in order to end impunity. In order to avoid sham trials that merely seek to exonerate or justify the crimes of those responsible, justice requires independent courts that impose sentences

commensurate with the gravity of the crimes, and that pass judgement in accordance with what actually took place, namely, crimes against humanity and war crimes. Likewise, justice must reach the high command, and not just the actual perpetrators of these crimes: it must actually reach those who gave the orders to go forward and who allowed the crimes to take place.

We would like to ask the following questions. We would first like to know about the extent to which the presence of troops inhibited the submission of testimony, and therefore the results of the investigation. Could that have been more widespread than we are aware? Secondly, could Mr. Ramcharan tell us what authority he believes could assume responsibility for following up these cases; in other words, on whom does it fall to follow up the complaints? Thirdly, I would like to know whether there is a strategy in place to address each of the matters discussed in the report. We would also like to know whether the transitional Government has proposed a strategy for action in that regard.

I wish to indicate that it is extremely important for Mexico that the transitional Government establish jurisdictional mechanisms to address grave violations of human rights and that the launching of the National Truth and Reconciliation Commission be carried out. No effective justice can be administered without these. We also note and support follow-up of these cases by the Prosecutor of the International Criminal Court. This is fundamental to reaching the goal of bringing those responsible for these crimes to justice.

The President (*spoke in Spanish*): I shall now briefly speak in my capacity as representative of Spain.

I wish to thank Mr. Guéhenno and Mr. Ramcharan for their statements. I also wish to express revulsion at the acts that have occurred and to ask a question with respect to the national human rights institutions of the Democratic Republic of the Congo, in particular the National Observatory for Human Rights and the National Truth and Reconciliation Commission.

How will those two institutions cooperate with the High Commissioner for Human Rights and the United Nations Organization Mission in the Democratic Republic of the Congo? What are the financing prospects for these national institutions?

I now resume my functions as President of the Security Council.

I call on the representative of the Democratic Republic of the Congo.

Mrs. Booto (Democratic Republic of the Congo) (*spoke in French*): May I first of all extend to you, Madam, the sincere congratulations of the Congolese delegation on your presidency of the Security Council for July.

I also thank the Under-Secretary-General and the Deputy High Commissioner for Human Rights for introducing the very important reports before us on the item on today's agenda, the human rights situation in the Democratic Republic of the Congo. I also wish to pay a well-deserved tribute to the High Commissioner for Human Rights for his tireless commitment to the cause of human rights in my country and throughout the world.

As members of the Council know, the war of aggression against the Democratic Republic of the Congo has for the past four years entailed a series of flagrant violations of human rights and 3 million deaths, and absorbs 80 per cent of our resources. In analysing the situation in the Democratic Republic of the Congo, and in particular the human rights situation, it would be reasonable objectively to contrast the efforts that have been made to improve the situation in the area under governmental authority with the overall climate of terror, characterized by major violations of human rights and international humanitarian law, in the occupied territories.

No pretext cited by the aggressors can justify the barbarities committed against civilians in the Democratic Republic of the Congo, which include summary executions; torture; cruel, inhuman and degrading treatment; massacres; the deliberate spreading of HIV/AIDS through the use of rape as a weapon of war; the burial-alive of women; the use of child soldiers; the shameful exploitation of human resources; and the plundering of the country's natural resources and other wealth.

The authorities of the Democratic Republic of the Congo are eager to restore the rule of law, democracy and respect for human rights and fundamental freedoms. Despite current difficulties, we are sparing no effort to ensure respect for all human rights, including by taking steps to preserve law and order and

to ensure the protection of peoples in times of war and peace, in accordance with our international commitments.

This has been possible above all through a strengthening of our partnership with the United Nations through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Human Rights in Kinshasa, and through ongoing constructive dialogue with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo.

Steps have been taken, especially with respect to the protection of the members of the most vulnerable sector of society, namely children. Indeed, as rebel movements continue to recruit children as young as eight or ten years old, the President of the Republic has signed a decree prohibiting the recruitment of children into its armed forces. The General Staff of the Congolese Armed Forces has established a programme to demobilize child soldiers, with assistance from international agencies, particularly the United Nations Children's Fund. Our Government has also begun reforming juvenile justice. Five hundred child soldiers have been demobilized and reintegrated into civil society, while 20,000 street children now have access to education and basic health care.

Despite all the efforts made and the initial indications of peace returning to Ituri, the situation is still extremely bad in that region. The reports introduced today confirm once again that the most serious violations are committed in that part of our country that is not under governmental control. Following the Kisangani massacres, others occurred in Bogoro, Mandro, Drodro and Mambasa, where hundreds of civilians died in the most horrible way. We trust that the Interim Emergency Multinational Force will soon restore a measure of stability.

Moreover, MONUC investigators have established that atrocities were committed against civilians yet again in Ituri by rebel forces that killed their victims systematically and even indulged in anthropophagy against the native pygmies. These native pygmies, a peaceful rural people who were recently independent and carefree, have been psychologically traumatized by such repulsive and incomprehensible acts. It is imperative that those who perpetrate such human rights violations understand that the international community will no longer tolerate these crimes and will punish the guilty. My delegation welcomes the statement made by the High Commissioner for Human Rights on the punishment of the guilty during his visit to my country in January.

This past week has been very crucial in respect of the establishment of transitional democratic governmental structures in the Democratic Republic of the Congo. The last obstacle to the establishment of the Government was removed with the signing of the agreement assigning responsibilities in the armed forces. The All-Inclusive Agreement was put into practice through the issuance of Decree 03-06 nominating the members of the transitional Government.

Much remains to be done to restore lasting peace and security. The challenges are huge, but we dare believe that the creation of the transitional institutions obviates all pretexts for pursuing the war, which is in itself a violation of human rights. The Democratic Republic of the Congo counts on the support of the international community through constructive cooperation in defence of human rights.

As has been stressed here in the Council, it is imperative that all parties claiming a role in the future of the Democratic Republic of the Congo demonstrate their commitment to human rights, international humanitarian law, security and the well-being of our peoples in order to free the men, women and children of our country from the web of violence and barbarism in which they have been enmeshed by the murderous madness of the invaders.

The President (*spoke in Spanish*): I call on Mr. Guéhenno to respond to the comments made and questions raised.

Mr. Guéhenno (*spoke in French*): The first question asked, I believe, was posed by the representative of Cameroon, who wondered about the possibility of making Bunia a weapons-free town as a model for future disarmament operations.

I think that the example of Bunia clearly demonstrates that, in the current phase, the disarmament of Congolese forces will be a key element of progress towards peace in the Democratic Republic of the Congo. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) will surely play an enhanced role in that respect. At the same time, we clearly see that even a

strengthened MONUC will be unable to have the same presence in each locality of that large country that the Interim Emergency Multinational Force has in Bunia today. Disarmament will therefore have to go hand-in-hand with a political process of sustained pressure on all who might contemplate continuing to arm militias, so that together with the positive encouragement given, there will also be a strong incentive from the international community not to continue on the military path.

(*spoke in English*)

With that I am beginning to answer the question raised by the Ambassador of Chile on the likelihood that the armed groups would eventually disarm. We believe that a combination of measures will lead to disarmament. Certainly a more robust MONUC, a MONUC that wherever it is deployed cannot be easily pushed, will send a very important signal. But that more robust MONUC will also have to be supported by sustained political pressure from the Council on the various players, so that all players become convinced that there is no alternative to a peaceful process.

Many ambassadors have raised questions on the role of MONUC in human rights. I will defer to Mr. Ramcharan on many issues and will say a few words on some specific issues that were raised with respect to MONUC.

What can military observers do, as far as human rights is concerned? Let me first point out that whenever there is an investigation, whenever a special investigation team is deployed, they consult very closely with the military observers who have been present in the region. All the information the military observers might have on the situation is shared with the multidisciplinary teams of MONUC, in which various elements of MONUC are represented, including civilian police personnel. Since military observers report on a daily basis on the situation in their area of operation, including on violations of human rights, they would report such violations if they become more systematic.

That raises another question that was posed to the Secretariat with regard to the protection of investigators. It is difficult to take a position of principle on this particular issue because each situation is specific and the level of security varies considerably, not only from one area to the other, but also from one week to another. The security level has to be continually monitored by MONUC, and we certainly would not exclude, in specific circumstances, having some military resources devoted to the protection of a particular team, if we feel that would make the difference between the possibility of an inspection and the absence of an inspection. But that cannot become a general procedure, because we certainly would not have the resources for that. Nevertheless, some activities should be and can be escorted.

A question was raised on the future national army and the screening of the soldiers and officers in a national army. This raises the broader issue of the security sector, because the same question applies also to the police.

Concerning this issue, I am pleased to report that because of the very quick decision of the distribution of the senior military force, our understanding is that these new posts should be filled shortly so that the operation of the new army — from the top, at least — should start in earnest.

I think MONUC will have to consider how to support that process so that there is some screening of those who join the new armed forces or the new police. This is essentially a responsibility of the Congolese. But as in many other areas related to human rights, we'll have to find the balance between the need for national ownership of the process and at the same time active monitoring so that those crimes which should be neither forgotten nor forgiven are not, indeed, forgotten or forgiven.

Questions were asked about the future role of MONUC with respect to human rights. We are entering a new phase with the appointment of the transitional Government of national unity. As you are aware, in that new phase there will be new institutions that will be specifically focused on human rights: the truth and reconciliation commission, and the national observatory for human rights. There was a question as to how we can support those institutions. Indeed, we see those institutions playing the central role in the consolidation of human rights in the Democratic Republic of the Congo. But as fledgling institutions they will need the active support of the international community. I would use the opportunity of this meeting to launch an appeal to the international community to give support, including financial support, so that experts can be deployed to give the kind of practical support that these institutions will need to link up with

the organizations in the Democratic Republic of the Congo that are already quite active in the area of human rights.

One is always very impressed when visiting the Democratic Republic of the Congo by the courage and commitment of the many national NGOs, which report and denounce violations and very actively make sure that no human rights abuse remains unknown or unaddressed. Unfortunately, many are not addressed, but in the future, the knowledge, the information and the awareness of such abuses will certainly facilitate taking the right measures. MONUC sees its human rights section playing a very active role both in mobilizing international support and then liaising with these national institutions in order to develop the national capacities to uphold and sustain human rights in the Democratic Republic of the Congo.

Lastly, we believe that justice and human rights in the Democratic Republic of the Congo will be a long-term effort. Ambassador Williamson reminded us of previous egregious violations of human rights that have remained unaddressed. It will certainly be the role of the international community and its institutions to address such violations and to remind all of those who can bring justice to bear that these violations have not yet been addressed. It will then be for the Congolese to build up their own national and judiciary institutions so as to address the situation.

The President (*spoke in Spanish*): I give the floor to Mr. Ramcharan to respond to comments or questions.

Mr. Ramcharan: On behalf of the Office of the High Commissioner for Human Rights, I should like to express my gratitude for the kind remarks and the support expressed by many speakers for some of the thoughts we have placed before members. This has been an important debate, and for that we very much thank the Council. Let me take this opportunity to say that the cooperation among the Department of Peacekeeping Operations, my Office and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is good. Mr. Guéhenno, in particular, is very supportive of the spirit of human rights and peacekeeping going together.

On the point concerning the protection of investigations, allow me to say that, while there can be no hard and fast rule, sometimes the pursuit of an investigation makes it indispensable to protect sites. When I was in the peacekeeping operations in the former Yugoslavia, and we had first discovered the mass grave sites at Ovcara, near Vukovar, we had to ask the peacekeepers to protect the sites for us for several months, and they did so. When, upon the Security Council's request, I went to Côte d'Ivoire in December last year, I myself visited one such mass grave sites. Doing so becomes rather tricky if you have no escort; the person on that occasion prevented us even from taking photographs of the site. It got as tricky as that. But, as Mr. Guéhenno said, this is something that one does case by case, and I would echo his appeal for financial support for the Truth and Reconciliation Commission and the Observatory.

The question was asked how we can support preventive efforts in places like these. My answer would be that we must support the conflict prevention Mechanism of the African Union and must call upon it to play an increasingly greater role in the prevention of gross violations of human rights. Perhaps we must establish a dialogue with the African Union on the Mechanism.

It was also asked how one can address the issue of justice in this situation. I should like to give an answer that refers to the models we have used so far. As members are aware, we have the examples of the two Tribunals, for the former Yugoslavia and Rwanda; we have the Special Court for Sierra Leone, which is a national enterprise supported internationally; we have the court for Cambodia; we have a national court in Ethiopia, which continues to deal with past crimes; and, of course, we have the International Criminal Court. This morning, we heard around this table that one should support the transitional Government, present evidence to it and encourage it to tackle these issues.

The question was asked how one ensures that justice is not secondary to reconciliation. That, of course, is not an easy question to answer. I would say that, first of all, we must publish the facts in any instance so that we know what they are. And, as we publish the facts, we must give each people a chance to pursue its own route to reconciliation and justice, with one proviso: it must be clear that there can be no impunity for international crimes. I formulated that carefully, because I think that publishing the facts is important for the record, and then each people would be given the chance to choose its own path to justice

and reconciliation, on the clear understanding that there can be no impunity for international crimes.

In relation to paragraph 29 of the report, I was asked what the possibility would be of sending an international team and when the right time would be. Well, I think the right time would be when security conditions would permit it; this is linked to the fact that, if you cannot go to a site, you cannot really investigate it. Here, I must return to my own visits to sites: you know that, if you are going there without any kind of serious escort or protection, it is a non-starter.

I was asked about joint missions of special rapporteurs. Let me say first of all that the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo has visited and is planning another visit soon; she will report to the General Assembly. But that was not the question; the question was joint visits. I should like to give a generic answer, which is that sometimes, in situations of this nature, it has been found useful to put together a set of the thematic rapporteurs of the Commission on Human Rights. On this occasion, I could envisage a joint mission, at the appropriate time, of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, the Special Rapporteur on torture, the Special Rapporteur on violence against women, representatives of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

Conceptually, the role of such a joint mission is that it brings added authority and insights, and it aims to achieve two purposes: first, to demonstrate to the international community that there is such concern about a particular situation that one is asking the leading investigators to go there; and secondly, so that experts from different perspectives can produce reports on and document what is going on in a country. It is a way of documenting what is going on in a country.

I think Mr. Guéhenno dealt with the issue of military observers. The question was raised whether human rights observers should have immunity. I would answer the question this way: of course, if you do not have security, immunity is theoretical. But, as a matter of principle, human rights investigators should be protected with respect to what they do in pursuit of their activities.

I was asked how one can engage the Government of the Democratic Republic of the Congo and neighbouring Governments. I would give two answers. First, as members are aware, many actors are engaged in peacemaking, and I shall not enter that terrain; I will just point to the fact that there are many peacemakers. Secondly, I would indicate that the idea of a conference on Africa's Great Lakes region at some point in time is in view. I was Director of the International Conference on the Former Yugoslavia, and thus I can well envisage that, when it is eventually held, such a conference might give an important place to human rights issues. For the purposes at hand, I would say that what is crucial in a situation like this is to gather and document information on violations. I cannot place too much emphasis on the issue of documenting the violations.

What are the possibilities of bringing to justice those who are responsible? I think that I have partially answered that question by pointing to the options that might be available and to the idea — which was floated around this table — that one should present the information to the transitional Government and help the transitional Government to act.

I was asked how the Office of the High Commissioner wishes to pursue the findings of these two reports in order to bring to justice those concerned. I should like to ask your permission, Mr. President, for the Office of the High Commissioner to submit a paper to the Council — informally, if necessary — on follow-up to this important debate and to some of the issues in the report. The quality of this debate indicates that it should have a high-quality and considered response on our part. I can well imagine that the Office of the High Commissioner should, with the appropriate support, help in the process of gathering information, publicizing that information and, quite frankly, identifying the responsibility of those concerned. It had been my intention this morning to present the Council with a list of names of the persons whom we consider particularly responsible for some of the atrocities. I hesitated to do that, because I felt that it might fall more into the province of the Prosecutor. But my answer to the Council is that what the Office of the High Commissioner can do is to help in the process of investigation.

We were asked what more MONUC could do. Mr. Guéhenno dealt with that question, so I shall pass on it. I would simply note — picking up the earlier thread of my answer — that the Prosecutor of the

International Criminal Tribunal for Rwanda has made public comments about cases that occurred in the Ituri area that qualified even as genocide. I would also ask that the Council take note of the plight of the indigenous population in that area, who are particularly victimized.

I was asked what practical measures one can take to prevent impunity. I would like to stay, if I may, with the answer that I gave: at the end of the day, each people must be given an opportunity to strive for peace, justice and reconciliation, on the understanding that international crimes cannot be subject to pardon.

I was asked how the monitoring of human rights can be strengthened, and how we can strengthen the role of civil society. Mr. Guéhenno also referred to this: when working with partners, especially non-governmental organizations, at the end of the day the classic human rights method is to gather the facts, publicize them and let the verdict of history be pronounced on those involved. That is the answer I would give, which I gave earlier. We must increase our activities to document and to publicize the facts.

I welcome the comment that was made on the gender dimension. I think it would be important for the Special Rapporteur on violence against women to visit this situation.

I was asked how the Observatory and the Truth and Reconciliation Commission will work together and how they will be financed. Mr. Guéhenno answered that question. Anything that we do in this kind of situation is financed by voluntary contributions. We spend $22 million from the regular budget per year, and we spend double that amount from voluntary contributions. If we want to mount an investigation or if we want to act to support the Observatory or the Truth and Reconciliation Commission, we must launch an appeal for voluntary contributions and come to States for support.

Finally, a question was raised on how justice should be brought to the chief commanders, and how one would follow up on some of the information that has been presented to the Council. Mr. Guéhenno gave an answer with respect to the chief perpetrators and commanders. It is an issue that requires a certain subtlety of approach. But on the concrete issue of who would assume the responsibility to follow up, I would use this occasion to say that it is my fervent hope that the Prosecutor of the International Criminal Court will consider the situation seriously; here we are faced with a situation in which, while the needs of peace are without doubt of the highest order, one may think that the limits of conscience have been reached. It is important for the hand of justice, through the Prosecutor of the International Criminal Court, to be heard.

To conclude, Mr. President, I will seek your leave and the leave of Council members to submit to the Council a further written response because the questions posed here were serious and important ones. The quality of the debate of the Council indicates that a response of matching quality should be given.

The President (*spoke in Spanish*): I thank Mr. Guéhenno and Mr. Ramcharan for their clarifications. There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.55 p.m.